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Antony Ashley Cooper

First Earl of Shaftesbury.

From a painting by Lely in the possession of

the Rt Hon The Earl of Shaftesbury St Giles ... Dorset

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MEMOIRS,

LETTERS, AND SPEECHES

OF

ANTHONY ASHLEY COOPER,

FIRST EARL OF SHAFTESBURY,

LORD CHANCELLOR,

WITH OTHER PAPERS ILLUSTRATING HIS LIFE.

FROM HIS BIRTH TO THE RESTORATION.

35462

EDITED BY

WILLIAM DOUGAL CHRISTIE, ESQ.

HER MAJESTY'S ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY IN BRAZIL.

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PREFACE.

NEARLY eighteen years ago I conceived the idea of writing a Life of the first Earl of Shaftesbury. There exists no biography of him, at all worthy of the great part which he bore in public events in a most interesting period of English history, and of the great fame of his talents and eloquence. The want of a Life of the Lord Chancellor Shaftesbury has been often mentioned by historical writers. When I first conceived my project, Mr. Martyn's Life had been lately edited by Mr. George Wingrove Cooke; it had attracted attention to the subject, and made the want of a good biography more glaring. I soon found that the work which I had undertaken demanded very extensive inquiries and much careful investigation, and could not be quickly executed. The life of Shaftesbury is intertwined with the history of the government of England for forty most eventful years, from the beginning of the great Civil War to

within a very short time before the close of the reign of Charles the Second. I soon found that in the story of the reign of Charles the Second, as told even by the latest historians, there was much deficiency of authentic information, and much material error, bearing on Shaftesbury's career. I have employed myself for several years, in the intervals of other pursuits, in reading published works which were likely to throw any light on the history of Shaftesbury's life and times, and examining various collections of papers, private and public; and among other papers, I have examined considerable portions of the correspondence of the French Ambassadors in London from the end of Richard Cromwell's Protectorate and during the reign of Charles the Second, in the Archives of the Foreign Office in Paris.

I had thus made a considerable collection of materials and proceeded some way in writing a Life when, in the year 1855, the present Earl of Shaftesbury kindly gave me access to all the papers in his possession relating to his ancestor, and permission to make use of them in any way which I might think desirable.

Since then I have been chiefly abroad, under circumstances not favourable to the prosecution of a literary work requiring reference to many books; and I lately determined, while in England on a leave of absence from diplomatic duties, to publish with notes the papers which

Lord Shaftesbury had placed at my disposal and others which I had collected, with the addition of Shaftesbury's speeches. This work has been interrupted by my recent appointment to be Her Majesty's Minister in Brazil; and I have thought it advisable to publish at once the part which is prepared, extending to the Restoration. I hope that circumstances may permit me to publish the remainder of the papers at a time not very distant.

A large proportion of the papers published in this volume comes from Lord Shaftesbury. All the papers belonging to Lord Shaftesbury had been seen by Mr. Martyn, who was engaged by the fourth Earl of Shaftesbury, the son of the author of the "Characteristics," to compose a Life of the Chancellor. Some papers referred to by Mr. Martyn are not now to be found. The principal missing document is the earlier and probably larger portion of a Memoir of Shaftesbury by Mr. Thomas Stringer, who was his chief secretary when Chancellor and for many years his confidential friend. It is clear that Martyn has taken much from this Memoir. It is also clear that its accuracy is not to be depended on, and that many of Martyn's errors are derived from Stringer. Of Shaftesbury's earlier life Stringer would have known nothing of his own knowledge. It is not impossible that Shaftesbury in recounting to him his earlier life may have in some degree

misled him; it is probable that Stringer made mistakes in committing to writing Shaftesbury's recollections; it is certain that he wrote with a desire to justify and exalt his patron. It would have been satisfactory to be able to see this earlier portion of Stringer's Memoir, as no reliance can be placed on Martyn's judgment, and it may have been sometimes inaccurately represented by Martyn or may have contained information which he has omitted to extract. The only portion of Stringer's Memoir, which is now to be found in Lord Shaftesbury's house, is for the years 1672, 1673, and 1674. For these years, which comprise Shaftesbury's elevation to the Woolsack and his removal from it, Stringer is a good authority. This fragment of his Memoir, for perhaps the most interesting years of Shaftesbury's life, is very interesting. It will be published in a later volume.

Mr. Benjamin Martyn, who was chosen by the fourth Earl of Shaftesbury to write the Life of his great-grandfather, was the author of a successful tragedy, called Timoleon, now forgotten, and a friend of Dr. Birch, the well-known literary and historical inquirer of the last century. He appears to have begun the work in the year 1738, and he was employed upon it for some years. The fourth Earl and other members of the family took an active interest in it; and there are many judicious notes by the fourth Earl preserved among Lord Shaf-

tesbury's papers. Mr. Martyn's work, when completed, did not satisfy his patron. It is evident that he had no knowledge of history and no capacity for writing such a work. In the year 1766 the work was consigned by the fourth Earl to Dr. Sharpe, master of the Temple, for improvement. The fourth Earl of Shaftesbury died in 1771; his son then placed the manuscript in the hands of Dr. Kippis, the editor of the Biographia Britannica. Dr. Kippis appears to have made many suggestions. The work was then printed, but it is stated that the whole impression was destroyed with the exception of two copies. One copy exists at St. Giles's; another, having found its way into the hands of Mr. Bentley, the publisher, was edited in 1836 by Mr. George Wingrove Cooke.*

Shaftesbury has been indeed unfortunate in his fame. He lived in times of violent party fury; and calumny, which fiercely assailed him living, pursued him in his grave, and still lingers round his name. He lived in times when the public had little or no authentic information about the proceedings of the Government, when errors in judging public men were more easy than now, and when venal pamphleteers, poets, and playwriters drove a profitable trade in libels on public men. The

* See Mr. Cooke's Preface and the Life of Shaftesbury in Kippis's Biographia Britannica, art. Anthony Ashley Cooper.

lies of detraction produced counter-lies of excuse and eulogy, and the result is a great agglomeration of errors. It will be seen from the first piece in this volume that Shaftesbury formed in old age the design of placing his own story before posterity, and vindicating his fame from the calumnies of contemporary faction. He has left but a small fragment, which terminates at the moment of his entrance into public life, before attaining the age of twenty-one. I do not believe the story of his Memoirs having been burnt by Locke. But there is no doubt that Shaftesbury's distinguished grandson, the author of the "Characteristics," cherished the hope that his illustrious friend and tutor, the intimate friend of Shaftesbury in his later years, would write a biography of his departed friend. There can be no doubt that Locke's great powers of analysis, great knowledge of human nature, and great zeal for truth, applied to the portrayal of Shaftesbury's character which he had had great opportunities of studying, and to the history of his life and times of which he had great personal knowledge, would have produced a most excellent work. When Locke died, leaving only a small collection of materials, just enough to show that he had meditated a biography, there came for a moment a new gleam of hope to the grandson, piously attached to Shaftesbury's memory, that the work which Locke had failed to execute

might be undertaken by his distinguished nephew and executor, the future Lord Chancellor King.*

* The letter in which Mr. King, afterwards Lord King and Lord Chancellor, informed the third Earl of Shaftesbury, on Locke's death, that he had found among Locke's papers a fragment of a memoir of his grandfather, is printed in Locke's Works, vol. x. p. 322. The following is a part of the third Earl's reply, written in January, 1705, and preserved at St. Giles's: "The few sheets or lines which our deceased friend, Mr. Locke, has left on the subject of my grandfather, are to me at least very precious remains, and, if nothing more, are however the kindest pledges of his love to the memory and family of his great friend. How happy for me, and for the public perhaps no less, that he had lived to perfect them. But who so fit to perfect this, or anything he left, as the person whom he has left to succeed him, and who, as nearest related to him in blood, is the nearest so in genius, parts, and principles? And methinks, at leisure hours it would be no unpleasant task for one who so nobly asserted the rights of the people to vindicate the much-regretted memory of one who was a champion in that cause, and must make no small part of the history of those times, when the foundation was laying for the present glorious ones and for the happy Revolution that gave birth to them. The noble progress of this cause in these latter days has often made me wish it a historian worthy of it, and if this or any other occasion, ever so slight, could be able to turn your thoughts towards a matter of so great weight, I should think it very happy: for "'tis not a single man's life, but the history of our own age, that I am wishing for: not for the patriot's sake, but for the cause. But be this as your better genius may direct you." It is to be observed that the author of the "Characteristics" had *not seen* the fragment found among Locke's papers when he wrote this reply. I have in a note at p. 45 pointed out some gross historical errors in this fragment which has been published as Locke's, and stated my belief that it could not be his composition. The third Earl wrote also about the same time to Leclerc, who had applied to him for information relative to Locke and his intercourse with Shaftesbury. "'Tis enough for me to know that I can serve you in anything, for no one would do it more readily or heartily, but when you add to this the interest of our dear friend's memory, it lays the greatest obligation on me: and I must own that besides this, the greatest interest I have of my own and what I am apt to be the most concerned for, is the vindication of that relation's memory that is so kindly joined by you, as indeed it is, with that of our common friend . . . . . I have writ Mr. King, Mr. Locke's nearest relation

Though the information about Shaftesbury to be derived from the papers in the possession of the family is not to be despised, the want of more materials is much to be regretted. It is singular how few letters written by Shaftesbury are in existence. It is not improbable that in the last stormy years of his life, when he was the chief mark for the fury of a violent party in the ascendant, and when his life was in danger from the Court, many of his letters were destroyed by himself and by his correspondents. One reason which has weighed with me, after a long time of preparations, to publish these papers before completing a biography, is the hope that this preliminary publication may lead to the discovery and communication, by some of those whom it may interest, of further materials.

I have also wished, by means of the notes in this publication, to free the biography, which I do not relinquish the hope of completing, from controversial matter; and I have further thought that it might be well to prepare the public by a previous examination of my materials for the appeal which I shall make against much of the condemnation hitherto meted to Shaftesbury.

I reserve any attempt at a general estimate of Shaftesbury's character until the publication of the papers re-

and heir, and who inherits many of his qualities, and is at present the greatest young man we have both in our laws and in the parliament."

lating to his later life; and I hope that those, who may find any interest in this volume, and care to judge justly an historical reputation, will not be unwilling to suspend their judgments.

I cannot too strongly express my sense of the readiness with which Lord Shaftesbury has aided me, and the kind confidence which he has reposed in me.

Very early in the course of my inquiries, I was kindly permitted by the Earl of Lovelace to inspect the Locke papers in his possession; and he most liberally permitted me to use according to my discretion any papers which I might find, in addition to those which the late Lord King had published in his Life of Locke. I found among these Locke papers the interesting series of suppressed passages of Ludlow's Memoirs, which is printed in this volume, and some little additional correspondence between Locke and Stringer, not uninteresting in connexion with Shaftesbury's life, of which extracts will be published in a later volume. In the long time which has passed since I profited by Lord Lovelace's kindness, I have shown some of the papers which I then copied, and which were thus placed at my disposal, to some friends engaged on the same period of history. One of the suppressed passages of Ludlow has in consequence been referred to by Mr. Carlyle in his work on Cromwell, and by Lord Campbell

in the later editions of his life of Shaftesbury; and Lord Campbell also derived from me an anonymous letter about Jeffreys, which I found among the Locke papers at Lord Lovelace's, and which he has thought it worth while to print in a note to his Life of that Chancellor.

In the year 1845, I was kindly permitted by the Marchioness of Bath to examine the family papers at Longleat. A sister of Shaftesbury's first wife, the daughter of Lord Coventry, married Sir Henry Thynne, the owner of Longleat, whose eldest son was created Viscount Weymouth. Lord John Russell had published, in an appendix to his Life of Lord Russell, extracts from the correspondence of Henry Coventry, Secretary of State, which he found at Longleat. Henry Coventry was a brother of Shaftesbury's first wife and of Lady Thynne, and uncle of the first Lord Weymouth. I had also seen among the Birch Manuscripts in the British Museum extracts made by Dr. Birch from a Diary of public events from 1668 to 1688 preserved at Longleat. I found at Longleat an interesting correspondence of Sir William Coventry, another brother-in-law of Shaftesbury, with his nephew Lord Weymouth, of which I shall publish some extracts in a later volume. I found nothing of Shaftesbury's; and the Diary from which Dr. Birch made extracts, and which still exists at

Longleat, contains nothing of particular interest. I had hoped that I might find at Longleat another Diary, that stated by Pepys to have been kept by Sir William Coventry, and also Sir William Coventry's account of the proceedings relating to the disgrace of Lord Chancellor Clarendon, likewise mentioned by Pepys.* Lady

* "Up to the Tower, and there find Sir W. Coventry alone, writing down his journal, which, he tells me, he now keeps of the material things . . . . . He was pleased to take occasion to show me and read to me his account, which he hath kept by him under his own hand of all his discourse and the King's answer to him upon the great business of my Lord Clarendon, and how he had first moved the Duke of York with it twice, at good distance, one after another, but without success; showing me thereby the simplicity and reasons of his so doing, and the manner of it, and the King's accepting it, telling him that he was not satisfied with his management, and did declare some dissatisfaction against him for the approving the laying aside of my Lord Treasurer at Oxford, which was a secret the King had not discovered." Pepys's Diary, March 9, 1669, vol. v. p. 136. Sir W. Coventry had a leading part in the removal of Clarendon from the Chancellorship. He was one of the Commissioners of the Admiralty in the earlier part of Charles II's reign, and there is at Longleat in manuscript a very interesting fragment of a History of the first Dutch War written by him. There is also an interesting manuscript of his in the British Museum, an Essay on the Decay of Rents. (Ayscough's Catalogue, 3828.) He was supposed by many the author of the "Character of a Trimmer," written by his more celebrated nephew, Lord Halifax. In one of the letters contained in the correspondence with Lord Weymouth mentioned in the text, he distinctly denies the authorship of that tract, but proceeds to declare himself a Trimmer in these words: "I have not been ashamed to own myself to be indeed a Trimmer, not according as the Observator paints them, but (as I think the name was intended to signify) one who would sit upright, and not overturn the boat by swaying too much on either side." Sir W. Coventry's death is thus mentioned in one of Lady Russell's letters. "Sir W. Coventry left a noble charity when he died, £2000 to the French refugees, and £3000 to redeem slaves. His four executors are Harry Savil, James and Harry Thyn, which are two brothers of the Lord Weymouth, and Frank Coventry, his nephew. He died at Tunbridge, and was buried

Bath most kindly caused further search to be made for these papers after my visit to Longleat; but they have not been found.

While I have been employed in collecting materials for a Life of Shaftesbury, M. Guizot has published, in a new edition of his Life of Monk and in his History of Richard Cromwell and the Restoration, a large number of despatches of the year preceding the Restoration from the Archives of the French Foreign Office, which I had myself examined in the Archives, chiefly in order to satisfy myself about the story, told in the Locke Memoir of Shaftesbury and in Martyn's Life, of a scheme actively promoted by Bourdeaux, the French Ambassador, accepted by Monk, and foiled by Shaftesbury, to make Monk King. The story is a heap of exaggeration and fiction.

I cannot mention M. Guizot's name without offering my humble tribute of praise to the diligent accuracy,

at Penshurst." (Lady Russell's Letters, i. 193 ed. 1853.) He died in 1683. It is to be regretted that more is not known of this interesting man. See note at p. 30. I should be glad to learn where is now to be found a letter which I have seen mentioned in a sale catalogue, sold among Lord de Clifford's papers in 1834, a MS. letter of Lord Weymouth to Sir Robert Southwell, giving an account of Sir W. Coventry's death. It is mentioned in a book called Tyers's Political Conferences (1781) that there was a Diary of Lord Halifax among the Duke of Shrewsbury's MSS., and at that time in the hands of Dr. Robertson the historian. I have not been able to obtain any clue to such a manuscript, which would probably be a most valuable historical acquisition.

general justice, and uniform impartiality and moderation of his finely written Histories of a period which I have long been studying.

M. Guizot will probably publish in a short time the promised continuation of his Histories to the end of the reign of Charles the Second, with extracts from the despatches of the French Ambassadors in London during that reign. I venture to hope, if his work is not yet completed, that he will be induced to give a special attention to the notices of Shaftesbury during that period; and in the hope that the large gaps which I have been compelled to leave in my examination of the despatches in the French Foreign Office may be filled up by this eminent and conscientious writer, I mention that I have carefully gone through the English correspondence in the Archives of the French Foreign Office for the years 1659 to 1665, 1669, 1672 to 1674, and 1679 to 1681.

It has not been possible for me to pass sufficient time in Paris for a complete examination of the despatches of the French Ambassadors for the reign of Charles the Second, which fill somewhere about two hundred thick and closely written folio volumes. While employed in examining them, in the year 1850, I ventured to suggest to Lord Stanley of Alderley, with whom as Under Secretary of State for Foreign Affairs

I was then in correspondence, that it might be worthy of the consideration of our Government, if the French Government would permit complete copies to be taken, to incur a moderate expense for making copies, which might be rendered accessible in England to historical inquirers, or even published to the world. This suggestion was communicated with friendly zeal to Lord Palmerston, then at the head of the Foreign Office, who received it with his usual kindness, and acted with characteristic promptitude. I was immediately authorised to incur a reasonable expense, on the public account, for copies of the despatches of the reign of Charles the Second; and Lord Normanby, then Ambassador in Paris, was instructed to apply for the permission of the French Government. This permission was refused. A distinction was made between allowing individuals to make extracts by special permission and under the supervision of the Director of the Office of Archives, and allowing the publication of the whole series. I hope that this decision may yet be reconsidered. These despatches now belong to history. They are, alas! the best sources for the history of English government during a period of humiliating memories, when the English Sovereign, some English Ministers, and many English legislators were the mendicant retainers of the French King, and when the chief business of the

French Ambassador in London was the base one of bribing members of Parliament to worry the King, and bribing the King to resist the Parliament. Large extracts from these despatches have been published by Sir John Dalrymple, by M. Mignet in his valuable work on the Negotiations relative to the Spanish Succession, and by others. No reserve can now lessen the shame for both nations of this flagrant corruption by Louis the Fourteenth of our King and public men.

I have always found Sir John Dalrymple's extracts correct and fair; but there is a large additional quantity of important and interesting information in these despatches, altogether confirming the view of this period of our history first given in Dalrymple's well-known work, which he probably had not time to acquire.

Lord Campbell's Life of Shaftesbury in his Lives of the Chancellors has appeared since I began my investigations into this subject. They who have followed the criticisms on other Lives by Lord Campbell will not expect that his Life of Shaftesbury should be one of great accuracy. I ventured, on its first appearance, to suggest some corrections to Lord Campbell; and some of my suggestions were followed in the second edition. I could not expect to persuade Lord Campbell to alter the general tone of his Life, which would have rendered necessary

a complete reconstruction of the biography, and I did not presume, in my communication to him, to do more than point out some of the most obvious errors of fact. I confess that a more thorough examination of his biography has greatly swelled my catalogue of his errors. I subjoin a minute dissection of the first chapter of Lord Campbell's Life, which occupies only thirteen pages of his last edition. It is not easy, with every desire to avoid giving offence, to make such a criticism in an agreeable manner. I hope I shall not be thought to over-estimate the talents required for writing an accurate life or for exposing the inaccuracies of another. A great author, in a biographical work which, in spite of much injustice and notwithstanding great subsequent additions of knowledge, has achieved lasting fame and is always read with enjoyment, has modestly gauged the requirements for literary biography; and legal biography is not dissimilar. "To adjust the minute events of literary history," said Dr. Johnson in his Lives of the Poets,* "is tedious and troublesome; it requires indeed no great force of understanding, but often depends upon inquiries which there is no opportunity of making, or is to be fetched from books and pamphlets not always at hand." There can be no doubt

* In the Life of Dryden.

that, if Lord Campbell had taken the necessary time and put out the powers of his acute and vigorous mind, to write a careful biography of Shaftesbury or any other of the Chancellors, he would have left little employment for critics. As it is, he does not depend on his Lives for lasting reputation. It will, however, always be no mean embellishment of the solid fame which he has secured, that in the evening of a life of great professional labours and successes, he found amusement, and relaxation from high duties, in pursuits of literature, and in composing a long series of biographies which, if not of unimpeachable accuracy, are always lively and agreeable, and, if not always just, show always a fair intention and benevolent spirit. I should be sorry to be uncourteous or unjust towards one, who has honoured me with his friendship, and whose strong intellect, kindly nature, public services, and great career have my respect and admiration.

W. D. Christie.

London, October 1, 1859.

CRITICAL EXAMINATION

OF THE

FIRST CHAPTER

OF

LORD CAMPBELL'S LIFE OF SHAFTESBURY,

EXTENDING TO THE RESTORATION.

The object of this minute dissection of the first chapter of Lord Campbell's Life of Shaftesbury, which covers the same period as the present volume of papers, is to show to how great an extent the story of Shaftesbury's life has been overlaid with error, and also how unjustly Lord Campbell has treated his character. Lord Campbell's is the latest biography of Shaftesbury, and, forming part of a popular work, is probably better known than any other. Almost all the errors of previous biographers are collected in Lord Campbell's Life. The biographies of Shaftesbury contain many errors derived from two different sources, the prejudices of opponents and the exaggerations and perversions of flatterers. Mr. Martyn, the biographer chosen by the fourth Earl, who had access to all the papers in the possession of the family, made a bad use of his opportunities, being evidently incapable of employing them well, and has produced a book showing much ignorance, strong partisanship, and a wonderful faculty of blundering. Lord Campbell, whose tone is hostile to Shaftesbury, has

largely followed Mr. Martyn's statements of fact without inquiry. It was not to be expected that Lord Campbell should make the investigations necessary for scattering the accumulation of errors which have clustered round Shaftesbury's name; but it must be admitted that a little sifting might have enabled him to avoid adopting many obvious blunders. More blame is due to Lord Campbell for some increase of the stock of errors through the frequent exercise of his imagination, and for many conjectural reproaches and inventions of invidious details, which pervade the Life, and produce in the aggregate a most disagreeable and unjust impression of Shaftesbury's character. Lord Campbell, starting with an unfavourable view of Shaftesbury's character, has interpreted actions, settled doubts, and filled up blanks of evidence, by conjectures coloured to his foregone conclusions. Instances will be found in the following examination of a small portion of his Life. I have felt that there was no other way of undoing the effect produced by Lord Campbell through a multitude of small touches of imaginative insinuation and detail, than by a piecemeal examination and refutation.

> "Utor permisso, caudæque pilos ut equinæ
> Paullatim vello, et demo unum, demo etiam unum,
> Dum cadat elusus ratione ruentis acervi."

1634.

"It is related that the youth, while only thirteen years of age, showed the energy of his character by defeating *a scheme of his trustees* to deprive him of a large part of his property."

The scheme was not of his trustees. The trustees or guardians did all they could to protect him against his

relative Sir Francis Ashley and others, who injured his property greatly through the Court of Wards. Lord Campbell in telling the story of Noy's aiding Shaftesbury omits the leading point as regards Noy, that, being Attorney General, he risked the loss of his place by appearing against the Crown Mr. Martyn tells this story correctly.

"Having remained about two years at Oxford, to finish his education he *was transferred to Lincoln's Inn, where he remained for a short time, associating with other young men of fortune like himself, frequenting the theatres and fencing schools, &c.*

This account of Shaftesbury's life at Lincoln's Inn is entirely imaginative. He never resided there. He left Oxford to be married. He had been entered at Lincoln's Inn while at Oxford, went from Oxford occasionally to keep terms there, and continued to keep terms after his marriage, while living with his father in-law, Lord Coventry.

1640.

"It is said that he diligently attended the House of Commons, [in the Short Parliament of 1640] and every *day practised the useful lesson of writing out a report of their proceedings.*"

This is derived from Mr. Martyn, who gives no authority for the latter part of the statement, which is probably only a mistake.

"*We cannot doubt that he warmly supported the Court* in the grand struggle which was led on opposite sides by Hyde and Hampden, whether the supply demanded should be granted before the consideration of grievances."

There is no authority for the statement that Shaftesbury supported the Court, or for saying, as Lord Campbell goes on to say, that he was then "an ardent friend of high prerogative." In the absence of positive information, it may be conjectured that the young baronet

joined himself to those members who insisted on redress of grievances, among whom were many of moderate opinions who, when the Civil War broke out, joined the King's side, such as Hyde, Lord Falkland, Lord Digby, and Colepepper.

"He stood for Downton [for the Long Parliament] and *was beaten.* He petitioned against the return, *but the decision of the House of Commons was against him.*"

There was a double return, and of course both parties had to petition. The House of Commons certainly did not decide against him. The petition was referred to the Committee of Privileges, which decided in his favour; but no report was made to the House, so that he was kept out of his seat. It was a trick, not singular in those times.

1641.

"Although *to his deep mortification* prevented from defending Strafford and ship money, out of parliament he *exerted himself to the utmost in support of the royal cause.* When hostilities were about to commence, *he attended the King* to the north, and was present at the ceremony of erecting the royal standard at Nottingham."

There is no evidence of his deep mortification; had he been in the parliament he would probably not have defended Strafford and ship-money; he did not exert himself as yet on the King's side. He says of himself at the beginning of the Civil War, in 1642, that he had "not as yet adhered against the parliament." Mr. Martyn has in this instance stated correctly that Shaftesbury "was at Nottingham and Derby when the King was at those places, but he appeared there only as a spectator."

1643.

"In 1643, *after various conferences with the leading royalists at Oxford, he was ordered to his house at Wimborn St. Giles,* in the

hope that he might get some of the towns in the western counties which were held for the parliament to declare for the King. . . . He displayed such boldness and address in the intrigues he carried on, that he prevailed on the inhabitants of Weymouth to expel the parliamentary garrison and to receive him as governor of the town in the King's name. Poole, Dorchester, and other places in that county were about to follow their example. But Prince Maurice, who held a superior command in the West, superseded him as governor of Weymouth, refused to recognise the terms on which he had induced it to come over to the Crown, and treated the young baronet with great disdain. *Sir Anthony took a journey to Oxford to lay the case before the King, and meeting with no redress, 'he was thereby so much disobliged that he quitted the King's party and gave himself up body and soul to the service of the parliament, with an implacable animosity against the royal cause.'* "

The quotation at the end of this passage is from Lord Clarendon's History of the Rebellion; and Lord Campbell in a note gives his reasons for following Clarendon's account of Cooper's proceedings at this time in the West, and rejecting a very different account contained in the fragment of a Memoir of Shaftesbury, printed in Locke's works. There is no doubt that Lord Campbell is right to reject the story of the Locke Memoir and to follow Clarendon, who, though he may have committed some errors of detail, has given an account which, there is every reason to believe, is in the main true. But unfortunately Lord Campbell has misstated Clarendon's account and has fallen into a serious error. Prince Maurice, in the autumn of 1643, succeeded the Marquis of Hertford as commander-in-chief of the King's forces in the West, and, on the surrender of Weymouth, refused to recognise his predecessor's prospective grant of the government of that town to Sir A. A. Cooper. Cooper went, not to Oxford, but to Bristol, where the Marquis of Hertford and the King

then were. Hertford took up the matter very warmly, and made it a point of honour with the King that his grant should be confirmed. Cooper also obtained the intercession of Clarendon, then Sir Edward Hyde and Chancellor of the Exchequer to Charles I. The King yielded to Hertford's and Hyde's representations, and directed that Prince Maurice should appoint Cooper governor. It appears from the King's letter to the Marquis of Hertford, printed at p. 92, that a sort of compromise was made between Hertford's and Prince Maurice's pretensions, and that Cooper was confirmed as governor on the understanding that Hertford should endeavour to persuade him to resign after such time as might suffice to prevent the appearance of his being ill-treated. But Clarendon says simply that Cooper obtained a confirmation of the appointment; so far is he from saying that Cooper got "no redress," the words used by Lord Campbell. Some months afterwards, Cooper resigned the government of Weymouth and was succeeded by Colonel Ashburnham. Clarendon states that he was superseded, but this probably is one of Clarendon's errors of detail. Here comes, in Clarendon's account, the passage which Lord Campbell has quoted, ascribing Cooper's desertion of the King's cause to disappointment. Lord Campbell has left out all the middle of the story, and tacked the end to the beginning, which it does not fit. There is no authority in Clarendon's account for the opening statements of "various conferences with the leading royalists at Oxford," and of Sir A. A. Cooper's being "ordered to his house at Wimborne St. Giles." In a note on this passage, and with reference to Cooper's defection from the King,

Lord Campbell misapplies a passage from Whitelocke, which belongs to September 1645, nearly two years later.

1644.

"*Having travelled secretly from Oxford to London, he there formally sent in his adhesion to the parliament.*"

He went not from Oxford, but from Dorsetshire, and he delivered himself to the parliamentary commander at Hurst Castle near Lymington.

"He was received, as may be supposed, with great cordiality; but a *Committee of the House of Commons being appointed to confer with him and to examine him*, he absolutely refused to make any discovery either as to persons or the management of affairs: . . . . . *The parliament was contented to receive him on his own terms.*"

The parliament was very glad of course to receive so important a seceder. But the House of Commons appointed no special Committee to confer with him. This is an exaggeration of Mr. Martyn's. He was examined by the Committee of both Kingdoms, March 6, 1644. On the 10th of July he received permission from the House of Commons to go down into Dorsetshire. After having rendered military services to the parliament, he was on the 22nd of August permitted to compound for his estates by a payment of five hundred pounds. He did not however apparently become eligible for the House of Commons. He made an unsuccessful attempt in September 1645 to gain admission on his original petition for Downton.

"By an ordinance of the two Houses on the 14th of August, 1644, he was appointed one of the committee of the western counties for governing the army. A military district was assigned to him, and he was placed in the command of a brigade consisting of Colonel Popham's and Colonel Cooke's regiments. At the

head of these he marched to Wareham, a royal garrison, which he resolved to take by assault."

The appointment as a member of the Committee of the Western Counties followed, and seems to have been a reward for, Sir A. A. Cooper's part in the taking of Wareham, which surrendered on the 10th of August 1644.

"*He next laid siege to Corfe Castle, which soon surrendered at discretion; and as a precaution against any attempt of the royalists to retake it, he threw a considerable body of foot and horse into the adjoining stronghold of Lulworth.*"

Here Lord Campbell has followed statements of Mr. Martyn, which are totally erroneous. Corfe Castle was neither taken, nor besieged by Cooper at this time. In May of next year Cooper received instructions to blockade Corfe, but even then he was unable to execute the instructions. Corfe surrendered to Colonel Bingham in April 1646, more than a year and a half after the time which Lord Campbell here writes of.

"He then marched to the relief of Taunton, where the gallant Blake was the governor and, his ammunition and provisions being exhausted, was on the point of capitulating. Shaftesbury *first routed an auxiliary force coming to the assistance of the besiegers, and then their main body, and compelled them to raise the siege.* HE WROTE A FLAMING ACCOUNT OF THE EXPLOIT TO THE PARLIAMENT, —TAKING GREATER CREDIT TO HIMSELF THAN CROMWELL IN HIS DESPATCH ANNOUNCING HIS VICTORY AT DUNBAR."

It is true that Cooper commanded an expedition for the relief of Taunton, and that on his arrival the siege was raised; but this is all that is true in the above paragraph. He routed no auxiliary force, and no main body. Nor did he write any flaming account of his exploit to the Parliament. Lord Campbell's account of Cooper's despatch is a remarkable instance among many similar imaginative touches in his Life of Shaftesbury

which contribute to give unjustly a very unfavourable impression of Shaftesbury's character. It will hardly be believed that the whole basis of this account of Cooper's despatch is an entry in the Commons' Journals (December 24, 1644) which is as follows: "A letter from Orchard from Sir Anthony Ashley Cooper directed to my Lord General concerning the relief of Taunton was this day read. Ordered that it be referred and earnestly recommended from this House to the Committee of both Kingdoms to send a new, speedy, and considerable supply of forces into the West." The letter has never been printed, and neither Lord Campbell nor any other biographer has had further knowledge of its contents than was to be derived from this meagre entry, and another hardly less meagre in Whitelocke's Memorials.* I have found the letter in Sir Simonds d'Ewes' MS. Diary of the Parliament, preserved in the British Museum (Harl. MSS. 166, p. 1696;) and it is now printed for the first time (p. 104.) It will be seen that it gives no flaming account of a victory, and furnishes no ground for an invidious comparison with the despatch in which Cromwell announced the victory of Dunbar.

"But he was suddenly satiated with military glory, and *after this brilliant campaign never again appeared in the field. Whether he retired from some affront or mere caprice is not certainly known.*"

There is no need to conjecture an affront or caprice. Lord Campbell says in a note that "some have supposed that the 'self-denying ordinance' drove him from

* "Letters from Sir Anthony Ashley Cooper informed of the relief of Taunton town and castle, held out to admiration by Colonel Blake notwithstanding his great want of ammunition and provisions and that the works there were inconsiderable." (Whitelocke's Memorials Dec. 23, 1644, p. 121.)

the army, but this could not possibly be the case, as he was not then in parliament." He was not included in the list of officers of the army as newly modelled at the time of the self-denying ordinance, and military commands were henceforth confined to the officers of that list. Sir A. A. Cooper was not affronted.

1645-52.

"There is considerable obscurity as to the manner in which he employed himself during the several years which followed, *while with envious eyes he saw Cromwell mounting to supreme power.* To his unspeakable mortification he never was a member of the Long Parliament, *all his attempts to get himself returned upon a vacancy being defeated from a suspicion of his unsteady and dangerous character.* Had he succeeded in obtaining a seat, it is not at all improbable that he might have prevented the ascendancy of the independents and their chief; for the Presbyterians, till 'Pride's purge,' were a majority in the House, and they only wanted a bold and resolute leader to have successfully opposed such crafty reliances as the 'self-denying ordinance' by which they were crushed."

There was really no information at all about Shaftesbury from the end of 1644 till January 1652, while the Diary printed in this work remained unpublished. Mr. Martyn, who must have seen the Diary, made no use of it. The information given by the Diary is sufficiently scanty; and neither there nor anywhere else is there any authority for the envy of Cromwell attributed to Cooper by Lord Campbell, nor even for opposition to Cromwell, to which, had it existed, some might have given a more amiable name. Cooper made no attempts to get himself returned to the Long Parliament on a vacancy. Once, in 1645, the question of his original return for Downton, not decided by the Committee of Privileges, was revived, and it was then still left undecided. We have no particulars as to why a report was not made at

this time, though the House had ordered Sir Walter Erle to report.* Lord Campbell explains it by "a suspicion of his unsteady and dangerous character;" but "the accurate Whitelocke," as Lord Campbell calls him when he quotes the passage, says, in a passage quoted by Lord Campbell on a wrong occasion, that Cooper was, in September 1645, "in great favour and trust with the Parliament."† It is certainly not probable that Cooper's presence in the Long Parliament would have given the ascendency to the Presbyterians and defeated Cromwell's party. This is not a solitary instance in Lord Campbell's Life of improbable exaggeration of Shaftesbury's abilities; and without imputing the intention, the effect of this unmeasured recognition of Shaftesbury's talents is to aggravate the odium cast on his moral qualities by giving an appearance of candour.

"He is said at this time to have distinguished himself as an active magistrate,—*exciting the admiration of the country people by his eloquence at sessions, quarter and petty.*"

It will be seen from the Diary published in this volume that Cooper was very diligent in attendance at sessions and assizes. There is of course no particular authority for Lord Campbell's touch of "the admiration of the country people." The object of this and other similar passages is to give an impression that Shaftesbury was vain.

1652.

"In the beginning of 1652 he became a member of the famous commission for the reform of the law, *but he soon found this very dull work; and being shut out from all military and civil distinction,*

* Commons' Journals, Sept. 1, 1645.

† Whitelocke's Memorials, p. 173.

he became highly discontented, and muttered so loud against the reigning authorities that he was actually taken up as a delinquent, but nothing could be proved against him except some intemperate speeches, and it was resolved by the House "that Sir Anthony Ashley Cooper be pardoned of all delinquency."

There is no authority whatever for the statement that Cooper found law-reform very dull work. He certainly did not retire from the Commission. In the Barebone's Parliament he took a leading part in passing measures which had been framed by this Commission. I do not think, with deference to Lord Campbell, that this Commission is very famous. Lord Campbell probably refers to the Committee for reformation of the laws of the Rump Parliament, whose slowness caused so much discontent, and led to the appointment of this Commission. A statement of Ludlow's, which has been often repeated, that the lawyers in the Committee consumed three months in discussing the word "incumbrance," has given fame to that Committee. The story of Sir A. A. Cooper's arrest and trial is without foundation. All that is known is that there is the following entry in the Commons' Journals, March 17, 1653: "Resolved by the Parliament that Sir Anthony Ashley Cooper, baronet, be, and is hereby, pardoned of all delinquency, and be, and is hereby, made capable of all other privileges as any other of the people of this nation are." There is nothing stated to explain this resolution, and nowhere is there mention of Sir A. A. Cooper's arrest or of any recent offence. Mr. Martyn has invented this story to explain the entry in the Journals, and Lord Campbell has improved Martyn's story with the details of "loud muttering," "intemperate speeches," &c., which are all pure imagination. I have no doubt that the delinquency from

which Cooper was now entirely absolved was his old connexion with the royalist party.

1653.

"After the expulsion of the Long Parliament *he intrigued with Cromwell*, who was anxious to secure him *and held out to him the prospect of being appointed Lord Keeper of the Great Seal.*"

Cooper was named by Cromwell a member of the Barebone's Parliament which followed the expulsion of the Rump of the Long Parliament; and he was for some time, certainly till the end of 1654, a supporter of Cromwell. The story of Cromwell's holding out to Cooper the prospect of the Great Seal rests on no better authority than an intercepted letter from an obscure individual, one Thomas Crocker, printed in Thurloe's State Papers,* written immediately after the termination of the Barebone's Parliament in December 1653, and mentioning, among a number of rumours which all proved to be untrue, a rumour that Cromwell had appointed Cooper Chancellor. This Thomas Crocker writes to one Francis Edwards: "I hear the Councillors were all named last night, the officers chosen, and several honours to be conferred; amongst others, Lambert who is now, as I conceive, general of the three nations, to be made a Duke; my Lord Say to be Chamberlain of the household, which is yet in doubt whether he will accept or refuse; my Lord Chief Justice St. John to be Lord Treasurer, Sir Anthony Ashley Cooper Chancellor, both which have accepted." On this frail foundation Lord Campbell has built much, afterwards conjecturing that Cooper's estrangement from Cromwell was "probably arising from the *promise about*

* Vol. i. p. 645.

the Great Seal not being fulfilled," and again observing later, on the occasion of Lord Clarendon's removal from the Chancellorship in 1667, four years before Shaftesbury became Chancellor, that "Shaftesbury probably had thought of it for himself ever since *it was promised him by Cromwell.*"

"Cromwell actually appointed him one of this motley assembly. Sir Anthony found himself in strange company; but on the meeting of the House he *joined zealously in 'seeking the Lord'* along with the great body of fanatics of which it was composed."

There is no authority for the statement that Cooper joined zealously "in seeking the Lord," or for the insinuation that he conformed to the fashions of the fanatical sectaries of whom there were so many in the Barebone's Parliament. Cooper was one of a number of members of this assembly who opposed the fanatical Independents; and the resignation of the Barebone's Parliament was ultimately effected by the moderate party of which Cooper was a member, acting in concert with Cromwell. This Assembly was not exclusively or even in overwhelming proportion composed of fanatics like Praisegod Barebone, from whom it has received its nickname. Bishop Burnet, who is not favourable to Shaftesbury, says that he was of great use to Cromwell in withstanding the enthusiasts.*

"*His views on the Great Seal were considerably dashed* by the bill 'for the immediate and total abolition of the Court of Chancery,' which, after it had been read a second time, he contrived to obstruct in the Committee by suggesting difficulties as to the determination of existing suits, and as to the enforcement of certain important rights, for which the courts of common law afforded no remedy."

The nature of Lord Campbell's authority for Cooper's

* Own Time i. 165.

"views on the Great Seal" has been already explained. The account of his proceedings about the bill for the abolition of the Court of Chancery is very incorrect and unfair, and in this matter certainly one would have expected Lord Campbell's sympathies to be with Cooper. There were two parties, very nearly equal in numbers, in the Barebone's Parliament; one party, to which Cooper belonged, acted with Cromwell and endeavoured to temper the violent counsels of the other, more especially in questions relating to the Church and the Law. As regards the law, the root-and-branch reformers were for constructing a complete code of new laws on principles from which all the lawyers recoiled as fanatical; Cromwell's party opposed this proposal, and thought it sufficient to reform the laws according to the recommendations of the Commission appointed by the Rump, of which Cooper had been a member and over which Hale had presided. A Committee for the reform of the laws was appointed, of which Cooper, being the member first named, was probably chairman; they applied themselves to consider the various projects of measures which the Commission had prepared; and Cooper from time to time introduced bills to the House, some of which were passed. A vote for the abolition of the Court of Chancery was passed without a division, but disputes afterwards arose between the two parties as to the provision to be made for the future administration of equity and for the decision of pending suits, and the violent party, getting impatient, were prevented only by the casting vote of the Speaker from carrying a motion for the immediate abolition of the Court of Chancery without any provision being made for these purposes. Lord Camp-

bell has probably had in mind, but if so, has not correctly remembered, the following passage of an intercepted letter printed in Thurloe's State Papers.* "Our state here is very vigilant to cut off those exorbitances that formerly oppressed the good people of this nation, and to that purpose have yesterday voted the bill for abrogating the Chancery to be brought in on Monday next, appointing a Committee to determine the causes depending. . . . It wanted not much but that the caterpillars of the land had been all banished the town, as formerly the poor Cavaliers were, one voice only reserving them for a time, which will not be long." What Cooper opposed was not a bill for the total and immediate abolition of the Court of Chancery, but a vote for its immediate abolition without any provision of a substitute attempted to be engrafted on a bill which he supported; he did not obstruct any such bill in Committee; the Committee appointed for determining pending causes was to facilitate the abolition of the Court of Chancery. There is indeed no special authority for connecting Cooper's name with any particular course of action in this matter; but the course taken by the moderate party of reformers is known, and it is known that Cooper acted with that party.

"Hence it has been said that he opposed Cromwell in this parliament, which is supposed to be further proved by his having powerfully supported the motion made on the 12th of December, 'that the sitting of the parliament any longer would not be for the good of the Commonwealth.' But I think it is probable that the good understanding between these two extraordinary men still subsisted, and it is quite certain that the motion referred to was highly agreeable to Cromwell."

* Vol. i. p. 577.

Here Lord Campbell is quite right. Mr. Martyn has most absurdly represented Cooper as Cromwell's determined opponent in the Barebone's parliament, thus commencing a series of blunders,* in which he is soon followed by Lord Campbell.

1654-6.

"But there was a decided estrangement between them soon after, *probably arising from the promise about the Great Seal not being fulfilled*, Cromwell's intuitive insight into character telling him that Shaftesbury was not to be trusted . . . When the Protector's second parliament was called, Shaftesbury was one of the ten members returned for the county of Wilts . . *When the parliament met, he strongly cooperated with the party who were beginning to inquire into the validity of the 'Instrument of Government,' and the motion being made 'that the House do approve that the government be in one single person and a parliament,' he supported the amendment, 'that the Instrument of Government be examined, article by article in a Committee of the whole House.' . . . This made the Protector resolve by a strong hand to exclude all such refractory spirits as Sir Anthony Ashley Cooper, and after sending for the Commons to Whitehall, and giving them a lecture, they found on their return a military guard at their door who would allow no one to enter without signing the following declaration.* [Here the declaration is given.] *Shaftesbury absolutely refused to sign the declaration. Thus excluded, he intrigued actively against Cromwell with the members who had signed it, and such an opposition was organised that a dissolution took place within the four months during which, by the 'Instrument of Government,' the parliament ought at all events to have been continued.*"

All these details about Cooper's opposition to Cromwell in his parliament of 1654 are entirely erroneous. Lord Campbell has here followed Mr Martyn in egregious blunders. After the resignation of the Barebone's Parliament, when the "Instrument of Government" became the constitution and Cromwell was made Protector, Cooper was appointed a member of the Council

* Martyn's Life i. 164.

of State. He was still a member of the Council when he was elected to the parliament which met in September, 1654. He was elected for Wiltshire as a supporter of Cromwell. He continued to sit as a member of the Council of State until December 28, 1654, less than a month before the dissolution of the parliament. He was certainly not an opponent of Cromwell in this parliament. He did not cooperate on its meeting for inquiring into the Instrument of Government; he did not support the hostile amendment; he was not one of those who refused to sign the declaration; he was not excluded; he did not intrigue against Cromwell in exclusion or help to organise opposition. There was probably some misunderstanding between him and Cromwell before the dissolution of this parliament, and he never again attended the Council after December 28. What was the cause of this misunderstanding, or exactly when it took place, is not known. But Cooper was certainly not openly estranged from Cromwell before the dissolution of this parliament. Lord Campbell is not justified in stating without explanation or qualification that the dissolution "took place within the five months during which, by the 'Instrument of Government,' the parliament ought at all events to have been continued." The parliament had sat five lunar months on the day of its dissolution, and Cromwell, anxious to hasten a dissolution, chose to interpret as lunar months the five months during which the "Instrument of Government" had prescribed that a parliament should not be dissolved without its own consent. Though this was a trick, it cannot be said to have been an unequivocal violation of the provision of the Instrument of Government.

"*The Protector, finding his opponent so troublesome, soon after made a bold attempt to gain him over by appointing him a member of the Council of State with promises of further advancement.*"

This again is all fiction. He was never made a member of the Council of State after his estrangement from Cromwell. He had been one before, from December 1653 to December 1654.

"This gracious demeanour roused in the bosom of Sir Anthony the ambitious project of forming an alliance with the protectoral house, and, having been some time a widower, *he actually demanded in marriage the 'musical glib-tongued Lady Mary,'* afterwards united to Lord Fauconberg. *Probably on account of his dissolute morals, he met with a flat refusal. Thereupon he finally broke with Oliver, and became a partisan of the banished royal family. When he had only twice or thrice sat in the Council of State, he sent in his resignation, alleging that 'the government by one person was against his conscience.'*"

This last sentence is a continuation of Lord Campbell's error of making two quarrels with Cromwell, instead of only one. So far from having only sat twice or thrice in the Council, Sir A. A. Cooper had attended constantly for twelve months, and I am not aware of any authority for Lord Campbell's statement of the reason which he says that Cooper alleged for his resignation. Lord Campbell is hardly justified in stating that Cooper "actually demanded" Cromwell's daughter Mary in marriage, and "received a flat refusal." There is a rumour of his having paid his addresses to a daughter of Cromwell, mentioned by three writers; Anthony Wood, Oldmixon in his sketch of Shaftesbury's life in the "Lives of the Chancellors," and Ludlow in one of the suppressed passages printed in this work. None of these is an unexceptionable authority, and the passage, in which Ludlow mentions Cooper's desire to marry Mary Cromwell and ascribes his quarrel with her father

to a refusal, contains several errors on other points. Oldmixon probably copied Wood. This circumstance is not mentioned by any other writer. But if Lord Campbell is hardly justified in stating the rumour of Cooper's unsuccessful suit to Mary Cromwell as an undoubted fact, he is certainly not justified in saying that he received a refusal "probably on account of his dissolute morals." None of the writers who has mentioned Cooper's wishing to marry Mary Cromwell has suggested this cause for the refusal. Lord Campbell says that, on now breaking with Cromwell, Cooper "became a partisan of the exiled royal family." This was in the end of 1654. There is a published correspondence between Hyde and the royalist agent Mordaunt, of June and July 1659, four years and a half later, showing that the exiled King was then courting Cooper and was not sure of succeeding.* Lord Campbell, after saying here that Cooper became a partisan of the royal family in the end of 1654, says later that Cooper left the republicans to intrigue with the royalists in 1659, during Richard Cromwell's Protectorate. There is no doubt that Cooper did not join the royalist party until he acted at the last with Monk and the Presbyterians to effect the Restoration, and that he entered into no separate transaction or correspondence with the King or his agents.

* Clarendon State Papers, vol. iii. pp. 488, 490, 500. Mordaunt writes to Hyde, "Sir A. A. Cooper is rotten and sits; he never knew he had a letter, being shy when taxed by Sir George Booth." Hyde replies, "I am sorry Sir A. A. Cooper hath so much disappointed your expectations, which no doubt is not for the reason he gives, for he is too wise to think it possible that the King would write to any subject to assist him, whose estate he had given away as forfeited."

"PROBABLY ON ACCOUNT OF HIS DISSOLUTE MORALS, HE MET WITH A FLAT REFUSAL."

I return to this conjectural imputation on Shaftesbury's morals, to deal separately with this question. In other parts of the Life Lord Campbell represents Shaftesbury as a most dissolute man. I collect the principal passages. When describing with much inaccuracy Shaftesbury's life during the early part of Charles II.'s reign Lord Campbell says, "He considered himself bound regularly to attend the King at Whitehall, to pay court to Lady Castlemaine, and to cultivate with unwearied assiduity his reputation for licentiousness, which he did so successfully as even to rival that of his master." Later, Lord Campbell says, "Complying fully with the court fashion, he seems to have aimed at distinction in licentiousness as much as in any other pursuit. Even when he was Lord Chancellor, he sought to rival the King by the variety and notoriety of his amours. This is quaintly intimated to us by Roger North." And again, "But though eager for reputation as a man of gallantry, he modestly yielded the palm to his master. Charles having said to him one day, 'Shaftesbury, you are the most profligate man in my dominions,' he coolly replied, 'Of a subject, sir, I believe I am.'" It would appear then from Lord Campbell that Shaftesbury was really and notoriously a most profligate man. What are the authorities for this accusation made in such unmeasured terms? I am not aware of more than four, three of which are mentioned by Lord Campbell, and the fourth, a passage in Burnet's History, which he has not noticed. Lord Campbell's three authorities are the passage referred to in Roger North's "Examen," the anec-

dote of the King's bantering reproach, and Otway's representation of him as Antonio in "Venice Preserved." First, as to the passage in Roger North's "Examen;" Lord Campbell calls it a quaint intimation; it is sufficiently coarse, but as Lord Campbell has quoted it, I may do the same. "Whether out of inclination, custom, or policy," says North, "I will not determine, it is certain he was not behindhand with the Court in the modish pleasures of the time. There was a deformed old gentleman called Sir P. Neal, who, they say, sat for the picture of Sydrophel in Hudibras, and about town was called the Lord Shaftesbury's groom, because he watered his mares in Hyde Park with Rhenish wine and sugar, and not seldom a bait of cheesecakes." This Sir Paul Neal was an intimate friend of Shaftesbury and Locke; he was a man of science, and was one of the founders and active members of the Royal Society.* The reader will judge how much weight is due to the coarse imputation contained in the above passage of a most scurrilous writer and furious adversary of Shaftesbury, and how far it goes to support a positive charge of extreme licentiousness. Secondly, the anecdote told by Lord Campbell is also told with different words. Another version of the anecdote is that the King said, "I believe, Shaftesbury, thou art the wickedest dog in England."† These words do not necessarily imply dissolute habits; and even if the words used were undoubtedly as Lord Campbell relates, the reader will probably think that

* See Pepys's Diary i. 310, ii. 433.

† Barker's Character and Anecdotes of Charles the Second, p. 89. The story is told by Lord Chesterfield with the words "the greatest rogue in England." (Chesterfield's Works ii. 331. Lord Mahon's ed.)

they do not prove profligacy. Thirdly, Otway, who, when the court was persecuting Shaftesbury and the Whigs were down, represented him almost undisguisedly on the stage as Antonio, has described this Antonio as the lewdest of men. There would probably be much license in this mode of attack on a politician; the dramatist who degraded his powers to so base an use cannot be regarded as a trustworthy witness; Otway's aim was to please the Court, and he was not scrupulous; a worse or meaner nature than his never disgraced genius. Such are Lord Campbell's three authorities, and I add to them a fourth. Bishop Burnet, speaking of Charles the Second's numerous mistresses, mentions one who, he says, was "managed by Shaftesbury." "The King had another mistress that was managed by Lord Shaftesbury, who was the daughter of a clergyman, Roberts; in whom her first education had so deep a root, that, though she fell into many scandalous disorders, with many dismal adventures in them all, yet a principle of religion was so deep-laid in her, that, though it did not restrain her, yet it kept alive in her such a constant horror of sin, that she was never easy in an ill course, and died with a great sense of her former ill life. I was often with her the last three months of her life."* This is the whole passage. Burnet, who was on terms of familiar acquaintance with Shaftesbury, does not appear to have thought him a great sinner. Charles the Second's mistresses were a portion of the state machine. The part taken by the virtuous Clarendon in persuading Charles's Queen to visit his mistress Lady Castlemaine is well

* Burnet's Own Time, i. 457. Burnet repeats the story of Mrs. Roberts's contrition. See also vol. ii. p. 287, where

known. Charles the Second is not the last English sovereign whose mistresses have been acknowledged by the Ministers and tolerated by the public. I do not know what is the exact meaning of Burnet's words, "managed by Lord Shaftesbury," but I presume they mean no more than that the lady, who seems to have been in other respects estimable, was Shaftesbury's friend, and that he was the confidant of her amour with the King. Such being the grounds for an unfavourable view of Shaftesbury's moral character, I proceed to state probabilities on the other side. There is no evidence in support of Lord Campbell's statement about Shaftesbury's life in the earlier part of Charles the Second's reign, that he paid great court to Lady Castlemaine and rivalled his master in licentiousness. His name is not once mentioned in the Memoirs of Grammont, the minute chronicle of the court scandals of that period. He was the affectionate husband of three wives in succession. His tender tribute to the virtues of his first wife will be read in this volume. With his third wife, the daughter of Lord Spenser, the cousin and friend of Lady Russell, a woman of strong religious feelings, he lived for five and twenty years in most affectionate union; and she bitterly mourned his loss. He was not only an affectionate husband but a fond father and grandfather. He was careful of his estate, which is not commonly the case with men of profligate habits. He had many intellectual pursuits besides politics, and he loved the society of intellectual men. One of his chief friends and most frequent companions was Locke, a man not only of preeminent intellect, but also of austere virtue. Let the reader weigh these probabilities against the

evidence on the other side, Burnet's statement to which, for what it may be worth, I take no exception, the foulmouthed scurrility of North, and Otway's venal venom. I do not seek to represent Shaftesbury as a spotless man. I do not regard his moral nature as one of the highest order. He was a man of the world; the notions of that time and of his society were laxer than those which prevail now; his opinions and practice were probably not of the strictest. But I do not believe that he was the unmitigated profligate which Lord Campbell on very insufficient authority has permitted himself to represent him.

"Bishop Burnet, in contradiction to all other authorities, says that Shaftesbury advised Cromwell to take the Kingship, although with a secret design to destroy him. But to render this story incredible, it is enough to observe that Shaftesbury remained excluded from the House of Commons, and that he was not one of the new Peers, whereas his aid would have been eagerly courted in either House. This is as little to be believed as another story Burnet tells us that 'Cromwell offered to make Shaftesbury King.' The truth is that, when in subsequent times Shaftesbury became acquainted with the good Bishop, he took undue advantage of his credulity, and mystified him exceedingly."

Lord Campbell is quite right in his facts, that Shaftesbury was excluded from the House of Commons during the session of 1656-7, when it was proposed in the "Petition and Advice," to make Cromwell king, and that he was not a member of Cromwell's House of Lords. But there had been a previous proposal to make Cromwell king, viz., in December 1653, immediately after the termination of the Barebone's Parliament, when Shaftesbury was a zealous supporter of Cromwell. There is little doubt that Burnet's story refers to the earlier epoch, and that Shaftesbury at that time concurred with those

who urged Cromwell to assume the title of King. As regards the other part of Burnet's story, that Shaftesbury had spoken of Cromwell's proposing to make him King, I doubt whether Burnet was so easily hoaxed, and fear it is not impossible that Shaftesbury in later life may have indulged in a little boasting. Nor do I believe Shaftesbury quite incapable in later years of the disingenuous vanity of representing the advice which he would have given to Cromwell in sincerity as given to lead him to his ruin.

1659.

"On Richard's accession he was again returned to the House of Commons for Wiltshire. . . Sir Anthony did not scruple to take the oaths to the new Lord Protector, *and solemnly to abjure the family of Stuart;* but he had the penetration speedily to discover that Richard's government could not stand, and that to put an end to the general discontent the old dynasty would ere long be restored. *He therefore left the republicans and intrigued with the royalists.*"

Sir Anthony Ashley Cooper, having been elected to the parliament called by Richard Cromwell, took the following oath, which was prescribed for the members, and which, it will be seen, does not contain an abjuration of the family of Stuart: "I do swear that, to the uttermost of my power, in my place, I will uphold and maintain the true, reformed, Protestant, Christian religion, in the purity thereof, as it is contained in the Holy Scriptures of the Old and New Testament, and encourage the profession and professors of the same; and that I will be true and faithful to the Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the dominions and territories thereunto belonging, as Chief Magistrate thereof; and shall not contrive, de-

sign, or attempt anything against the person or lawful authority of the Lord Protector; and shall endeavour, as much as in me lies, as a member of Parliament, the preservation of the rights and liberties of the people." This oath was also taken by a number of royalists by express permission of the King and by a number of republicans by agreement with one another, among others by Haslerig, Scot, Sir Henry Vane, and Bradshaw. Cooper in this parliament made an active opposition to Richard Cromwell's government, cooperating with the republican party. There is no evidence whatever of his intriguing with the royalists.

"He used in after times to take to himself almost the whole merit of the Restoration, representing Monk as merely his tool, *and in the preamble to his patent of peerage he introduced a statement that this "happy event was chiefly brought about by the efforts of our right trusty and well-beloved Sir Anthony Ashley Cooper.*"

I do not know what is Lord Campbell's authority for the statement that Shaftesbury used to take to himself almost the whole merit of the Restoration, and represent Monk as his tool. I have already admitted that Shaftesbury might not be incapable of a little boasting; but every one knew what Monk's part in the Restoration was, and that neither Cooper nor any one else, whatever might have been his desires or abilities, had the power to effect what could have been effected only by Monk, at the head of a numerous, obedient, and devoted army. There is no doubt that Cooper seconded and advised Monk. Nor do I know where Lord Campbell has obtained the passage which he has given, with marks of quotation, as a part of the preamble of Cooper's patent of peerage. There is no such passage in the preamble. The following is a correct translation of an extract from

the patent of his creation to be Baron Ashley, at the coronation of Charles the Second, and it will be seen how it differs from Lord Campbell's quotation. "After very many endeavours of bringing a remedy to these evils, undertaken with as much prudence as possible, at length by his counsels, in concert with our beloved and faithful George Monk, knight, &c. &c., he did a service worthy to be remembered and most grateful to us in the great business of restoring us to our kingdom and delivering his country from the bitter servitude under which it so long groaned." Some latitude of complimenting is, it is to be presumed, allowable in such compositions. Similar statements are in the patents of other peerages conferred at the same time on other Presbyterian leaders who had joined in bringing about the Restoration, viz., Charles Howard, created Earl of Carlisle, Arthur Annesley, Viscount Valentia, created Earl of Anglesey, John Crewe, created Baron Crewe, Denzil Holles, created Baron Holles, and Sir George Booth, created Baron Delamere. Montagu had been before the coronation created Earl of Sandwich, in reward of his share in the Restoration.

"There is preserved to us a full report of his speech in Richard's House of Commons, in the only important debate which took place while it sat, the question being,—'Whether the other House, consisting of Oliver's Peers, should be recognised?' . . . The recognition was carried by a majority of 177 to 113; *but this attack hastened the dissolution*, which terminated the Protectorate and put an end to the danger, once so formidable, of a Cromwell dynasty."

The speech referred to is one of very many speeches made by Shaftesbury in the course of many debates in Richard Cromwell's parliament. To say that this attack

hastened the dissolution is to commit an improbable exaggeration. It would seem from Burton's Diary that this speech did not produce much effect, for instead of reporting the speech, as is his wont, the Diarist simply describes it as a long speech made against time.* The speech was afterwards published by Shaftesbury, and perhaps altered and enlarged; and was thus the only one of Shaftesbury's speeches of this period known till the publication of Burton's Diary, which Lord Campbell did not consult.

"Shaftesbury's present policy was to assist in weakening each party that successively gained an ascendency, till by some expression of the national will the King should be recalled. *He intrigued against the officers at Wallingford House till the Rump was restored.* He was then named a member of the Council of State, but, *instead of taking his seat in it, he did all that he could to introduce disunion and discord among the members.* Monk, calculating on his influence, wrote to him, soliciting that none of the officers of the army in Scotland might be removed. He returned a favourable answer, and a friendly correspondence was established between them. *He secretly encouraged a royalist rising in Dorsetshire*, and incurred so much suspicion that he was taken into custody and brought before the Council of State; but they were obliged to release him for want of evidence; and the Parliament, *on the motion of a friend of his*, resolved "that Sir Anthony Ashley Cooper is clear from the accusation laid against him, and that there is not any just ground of jealousy or imputation upon him."

There is no evidence of Cooper's intriguing against the officers at Wallingford house till the Rump was restored; nor was he likely to do so. The officers at Wallingford house agreed almost immediately after the dissolution of Richard Cromwell's parliament and his fall from power to recall the Rump. Richard Cromwell's

* Burton's Diary of the Cromwell Parliaments, iii. 286.

parliament was dissolved on April 22, and the Rump met on May 7. This step was probably at the time agreeable to Cooper; there was no difficulty in persuading the Wallingford house party to adopt it. Cooper was named by the restored Rump a member of the Council of State. He did sit in the Council; Mr. Martyn has most incorrectly stated the contrary. Cooper was arrested in Dorsetshire in the month of August on a suspicion of abetting Sir George Booth's insurrection, and was released and acquitted by the Council after a lengthened investigation. Lord Campbell's mode of statement that the parliament acquitted him "on the motion of a friend of his" is most unfair. There is much evidence to show that Cooper was solicited to join Sir George Booth's movement, but abstained; and if, as is likely, "a friend of his" moved in the House that he be acquitted, the motion was made on the recommendation of the Council which had instituted careful inquiry, and was adopted without a division.

"*But the majority of this assembly being for the desperate experiment of a pure republic without any head, he encouraged them to cashier Lambert and Desborough*, which led to another expulsion of the Rump. He had next to agitate against 'the Committee of Safety,' consisting of officers who wished to restore the Protectorate under one of themselves; and he was mainly instrumental in upsetting them, *by heading the mob which met in Lincoln's Inn Fields,—by leading them to the Rolls House in Chancery Lane,—and by insisting that Lenthal should proceed to Westminster, and again take the chair as Speaker.*"

I do not know on what authority Lord Campbell states that Cooper urged the depriving Lambert and Desborough of their commissions. It was the work of the portion of the Republican party led in the parliament by Haslerig and Scot. Cooper was not in the parliament, and

his name does not appear anywhere in the quarrel, until after the violent measures taken against the Parliament by Lambert and Fleetwood, when he acted in the Council with Haslerig and Scot and took the part of the Rump. Certainly Lambert and Desborough were not cashiered, because the majority of the Rump were "for the desperate experiment of a pure republic without any head." They were cashiered, because as officers of the army they would not submit to the authority of the Parliament. Against the Committee of Safety, established by Fleetwood and Lambert after the ejection of the Rump, Cooper did agitate. He agitated vigorously and with great success. He had a leading part in overthrowing the Committee of Safety and restoring the Rump in December. Mr. Martyn gives a correct and respectable account of Cooper's proceedings on this occasion. Lord Campbell's narrative of the modes in which Cooper was mainly instrumental in restoring the Rump is certainly not happy. All the troops that could be mustered for the Rump and against the Committee of Safety were assembled in Lincolns Inn Fields under Cooper's direction. This is what Lord Campbell calls the mob. Cooper on this occasion had the chief direction of the proceedings in London, and acted a distinguished part.

"*The first act of the restored Rump was to appoint Sir Anthony one of the Commissioners for the command of the forces;* and he was enabled, by sudden orders for changing their officers and moving their quarters, to paralyse the power of Lambert."

Sir A. A. Cooper and six others were, on the 26th of December, appointed Commissioners, until the Commissioners who had been named by the Rump in October, just before the violence done by Lambert and Fleetwood,

or any three of those Commissioners, should come to London. The Commissioners who had been named in October were Fleetwood, Ludlow, Monk, Haslerig, Morley, Walton, and Overton. Haslerig, Morley, and Walton returned from Portsmouth to London on the 28th, and the functions of Cooper and his six colleagues ceased the next day. His appointment therefore as Commissioner for the command of the army did not last three full days. It is true that Cooper and his colleagues acted on their provisional nomination to disperse Lambert's troops, and acted with great vigour and success.

"He next contrived to get himself seated in the House of Commons as representative for Downton on the plea that he had been duly elected, and ought to have been returned for that place in the year 1640, and he thenceforth mainly guided their proceedings with a view to the Restoration."

The members of the Rump were naturelly glad to admit one who had been prominently instrumental in restoring them. The Committee of Privileges had at the beginning of the Long Parliament decided in Cooper's favour; but a report had never been made, in the first instance probably through trickery. The seat had always been kept open, waiting a report.

LIST OF LIVES

AND

BIOGRAPHICAL NOTICES OF SHAFTESBURY

HAVING A DISTINCTIVE CHARACTER.

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1. Some Memoirs, or a Sober Essay for a just vindication of the Right Honourable the Earl of Shaftsbury; containing the most material remarques and the principal passages of his public life, most memorably transacted hitherto. Published for the satisfaction of all seriously inquisitive. London, 1681.

*** Published during Shaftesbury's life, very flattering and not trustworthy, but containing a little useful information relative to the period of his Chancellorship.

2. Rawleigh Redivivus, or the State Politician, being an historical account of the Life and Death of that wise and loyal statesman, Anthony Earl of Shaftsbury. London, 1683.

3. The Compleat Statesman, demonstrated in the Life, Actions, and Politics of that great Minister of State, Anthony Earl of Shaftsbury. London, 1683.

4. A Brief Account of many memorable passages of the Life and Death of the Earl of Shaftsbury, some time Lord High Chancellor of England, who departed

this life the 21st day of January, 1683. In the Harleian Miscellany, vol. v. p. 368. Also in the Selection from the Harleian Miscellany in one volume, 1793.

*** The three last-named pieces are all clumsily composed eulogies published shortly after Shaftesbury's death; none of them accurate.

5. Sketch in Anthony Wood's Athenæ Oxonienses, first edition, 1691; with some additions in Dr. Bliss's edition, vol. iv. p. 70.

*** Wood's account of Shaftesbury is not intemperate, and contains a few facts not mentioned elsewhere.

6. Sketch in "Lives British and Foreign, from 1550 to 1690," 2 vols. 8vo. London, 1704.

*** Fair in tone and moderately accurate.

7. Memoirs relating to Anthony First Earl of Shaftesbury, to which are added Three Letters written by the Earl of Shaftesbury, while a prisoner in the Tower, &c. First published in 1706, and in vol. ix. of the edition of Locke's Works, 10 vols. 8vo. 1812.

*** The errors and imperfections of these "Memoirs" are pointed out in the course of the following work; and I cannot think that Locke was the author. They were probably copied from a manuscript of Stringer, or set down from his dictation, and regarded by Locke as so much raw material, to be afterwards worked up in a biography which he meditated.

8. Sketch in the "Lives of all the Lords Chancellors, Lords Keepers, and Lords Commissioners of the Great Seal of England &c. by an Impartial Hand [Oldmixon]," 2 vols. 1708.

*** Fair in tone and fairly correct.

9. Examen, or an Enquiry into the Credit and

Veracity of a pretended Complete History [Bishop Kennet's] &c., by the Hon. Roger North. London, 1740.

*** Chapter 2 of Part 1. is devoted to Shaftesbury; a long and violent attack, scurrilous and unjust.

10. Notice in Horace Walpole's "Collection of Royal and Noble Authors." 1759.

11. Life in "Biographia Britannica," art. Cooper vol. iii. 1750, with additions by Dr. Kippis in his incomplete edition, 1789.

12. Life in Collins's Peerage, considerably enlarged and improved in the last edition by Sir Egerton Brydges.

*** This Life, as improved by Sir E. Brydges, is perhaps on the whole the best existing account of Shaftesbury.

13. Life in General Biographical Dictionary (Chalmers.) 1813.

14. The Life of the First Earl of Shaftesbury, from original documents in the possession of the family. By Mr. B. Martyn and Dr. Kippis. Edited by G. Wingrove Cooke, Esq. 2 vols. 8vo. 1836.

15. Life in Lord Campbell's "Lives of the Lord Chancellors and Keepers of the Great Seal of England."

*** *List of the editions of works referred to in this volume, where there is more than one edition, and the edition is not specified in the references.*

Burnet's History of his Own Time, 6 vols. 8vo. Oxford, 1833.*
Carlyle's Letters and Speeches of Cromwell, 2 vols. 8vo. 1845, and Supplement, 1846.
Carte's Life of the Duke of Ormond, 3 vols. folio, 1736.
Clarendon's History of the Rebellion, 8 vols. 8vo. Oxford, 1826.
Hallam's Constitutional History of England, 3 vols. 8vo. 1832.
Harleian Miscellany (Park,) 10 vols. 4to.
Howel's Letters, 5th edition, 1678.
Hutchins's History of Dorset, 2nd edition, 4 vols. folio.
Lord King's Life of Locke, 2 vols. 8vo. 1830.
Lingard's History of England, 4th edition, 13 vols. 12mo. 1839.
Locke's Works, 10 vols. 8vo. 1812.
Ludlow's Memoirs, 3 vols. 8vo. Vevey, 1698-9.
Noble's Memoirs of the Protectoral House of Cromwell, 2 vols. 8vo. 3rd edition, 1789.
Parliamentary History, Cobbett's.
Pepys's Diary, 5 vols. small 8vo. 1848.
Prince's Worthies of Devon, folio, 1810.
Rushworth's Historical Collections, 8 vols. folio.
Lord John Russell's Life of Lord Russell, 2 vols. 8vo. 1820.
Somers Tracts (Sir Walter Scott,) 13 vols. 4to.
Sprigge's Anglia Rediviva, small folio, 1647.
Whitelocke's Memorials, folio, 1732.

* I have once or twice inadvertently referred to the old paging, which is preserved in this edition of Burnet's History.

MEMOIRS, LETTERS, AND SPEECHES

OF

ANTHONY ASHLEY COOPER,

FIRST EARL OF SHAFTESBURY.

FROM HIS BIRTH TO THE RESTORATION.

I. FRAGMENT OF AUTOBIOGRAPHY.*
1621—1639.

WHOEVER considers the number and the power of the adversaries I have met with, and how studiously they have, under the authority of both Church and State, dispersed the most villainous slanders of me, will think it necessary that I in this follow the French fashion, and write my own memoirs, that it may appear to the world on what ground or motives they came to be my enemies, and with what truth and justice they have prosecuted their quarrel;† and if in this whole narration

* This fragment is printed from a copy at St. Giles's. With the copy are two pages of the original in Shaftesbury's handwriting, reaching to the middle of p. 6. So far the copy entirely agrees with the original. The rest of the original is not to be found. There are possibly a few mistakes in the copy; and it has here and there a blank, where probably the copyist could not decipher a word.

† The opening passage of this fragment makes it clear that Shaftesbury composed it in his old age. Mr. Martyn states that a work, of which this fragment was only the beginning, was entrusted by Shaftesbury, when he fled to Holland, to the care of Locke, who, after Shaftesbury's death and Algernon Sydney's execution, burnt it from fear of the court (Life i. pp. 3, 10.) He gives no authority for these statements, and I am not aware of any. I believe that this story is a fable. There is no reference to any part of the story in any Life of Locke, nor in any of his published correspondence, nor in his letters existing at St. Giles's (among which, besides many to the grand-

they find me false or partial in any particular, I give up the whole to whatever censure they will make.

My birth was at Wimborn St. Gyles* in the county of Dorsett, on the 22nd day of July 1621, early in the morning; my parents on both sides of a noble stock, being of the first rank of gentry in those countries where they lived.† My mother's name was Anne, the sole daughter and heir of Sir Anthony Ashley, knight and baronet, lord of the manor and place where I was born: my father, Sir John Cooper, knight and baronet,

son, the author of the "Characteristics," are some written shortly after Shaftesbury's death, to his widow and his son,) nor in any of the Shaftesbury papers, nor in the Locke papers which I have examined at the Earl of Lovelace's. Neither is there any reason to believe that Shaftesbury had regularly composed the work beyond where this fragment abruptly terminates. There are very few traces of subsequent fragments. It is probable that Shaftesbury composed a continuous account of some portion of the events of 1659, in which he bore an active part, leading to the Restoration. Of this only a very small fragment remains, which is printed later, viz., a part of an account of a conference between Shaftesbury and Monk's Commissioners to Fleetwood's Committee of Safety in November 1659. See the note on that fragment. Mr. Martyn has not improbably derived his story from that portion of Stringer's manuscript which I have failed to find at St. Giles's; but Mr. Stringer, notwithstanding his excellent opportunities of knowledge, has made some remarkable misstatements, and again Mr. Martyn, who has made so many extraordinary blunders, may have misquoted Stringer.

* In printing these papers I have in the text generally followed the manuscripts for the spelling of of names. The same names are differently spelt, sometimes in the same manuscript. The old forms are sometimes curious, and I have thought there might be some interest in observing the varieties in the spelling of names. For ordinary words I have thought it would be more agreeable to the reader that I should adopt modern spelling. I have here and there retained or mentioned an old form which seemed worthy of note.

† Shaftesbury's lineage on the mother's side was the more ancient and distinguished. The Ashleys, a younger branch of an ancient Wiltshire family, had been planted at Wimborne St. Giles, since the reign of Henry VI., and their ancestors, traced through heirs-female, had been lords of that manor from before the reign of

son of Sir John Cooper, of Rockborn in the county of Hamshyre. I was christened by the name of Anthony Ashley,* for, notwithstanding my grandfather had articled with my father and his guardians that he should change his name to Ashley, yet, to make all sure in the eldest,

Edward I. (See the Ashley pedigree in Hutchins's Hist. of Dorset iii. 174). The Coopers were apparently persons of consideration in the West of England for two generations before Sir John Cooper, the father of Shaftesbury. (Collins's Peerage by Brydges iii. 545.) Sir A. Ashley and Sir J. Cooper were both made baronets in the year following that of Shaftesbury's birth. Sir A. Ashley's baronetcy is dated July 3, and Sir J. Cooper's, July 4, 1622. Every baronet is by the rules of the order also a knight. Sir A. Ashley had been previously knighted, at the taking of Cadiz in 1596, by the Earl of Essex. He had accompanied the expedition of Lords Effingham and Essex as commissioner for embarking the troops and secretary to the council of war. Hence some of Shaftesbury's biographers have made the mistake of calling Sir A. Ashley Secretary at War in Elizabeth's reign. There was no such office in those days. The mistake occurred in Lord Campbell's first edition, but has since been corrected. He held for many years the office of one of the Clerks of the Council during the reigns of Elizabeth and James I. He is said to have introduced the cultivation of cabbages into this country from Holland. (Evelyn Acetaria p. 17 ed. 1706.) There is a cabbage at his feet on his monument in the church at Wimborne St. Giles. He had inherited the property late in life, on the death of his cousin Sir Henry Ashley without issue. He had probably enriched himself in the service of the state. On his return from Cadiz in 1596, he was charged with peculation, was imprisoned, and was for some time in disgrace. There is a paper in the Archæologia (xxii. 172) by the late Sir Samuel Meyricke, containing the charges made against Sir Anthony Ashley by Sir Gelly Meyricke, his co-commissioner, and Sir Anthony's reply. When late in life he became the proprietor of Wimborne St. Giles, he was a liberal benefactor of the parish; he rebuilt the parish church and endowed almshouses for the relief of eleven old persons (Hutchins's History of Dorset iii. 193). He was seventy-six when he died in January, 1628.

* The two Christian names were an exception to the general practice of the time. Sir Simonds d'Ewes, having occasion to name him, explains, "He named Anthony Ashley in his baptism." (See p. 13, note.) Cromwell is said to have called him Marcus Tullius Cicero, the little man with three names (Martyn's Life i. 168.) Camden

he resolved to add his name, so that it should not be parted with.

Sir Anthony Ashley was of great age, but of strong sense and health; he had been for wisdom, courage, experience, skill in weapon, agility, and strength of body scarce paralleled in his age, of a large mind in all his actions, his person of the lowest. His daughter was of the same stature, a modest and a virtuous woman, of a weaker mould, and not so stirring a mind as her father. Sir John Cooper was very lovely and graceful both in face and person, of a moderate stature, neither too high nor too low, of an easy and an affable nature, fair and just in all affairs.

Sir Anthony Ashley, although near fourscore, had married a young lady that was under twenty years of age, near of kin to the then great favourite, the Duke of Buckingham, from whom he expected great preferment, and from her children ;* but he failed of his expectation in the first, and his age, with virtue of the young lady, could not help him to the latter, so that recollecting

mentions that there was a provision in Sir J. Cooper's marriage settlement that, if he or any of his heirs should obtain a peerage, the title was to be Ashley (Britannia, Gibson's ed., i. 63;) and this is confirmed by a note of the fourth Earl of Shaftesbury preserved in the family papers, stating on the authority of Mr. Stringer that Shaftesbury was ignorant of such a stipulation when he chose the title of Baron Ashley after the Restoration and was much rejoiced, on his afterwards becoming cognisant of the settlement, that he had unwittingly complied with the provision.

* The name of this lady was Philippa Sheldon. After Sir A. Ashley's death, she married Carew Raleigh, son of Sir Walter, had a family, and survived her second husband who died in 1667. She was living in 1671. I have seen in the warrant books among the Pell Records in the Rolls' Chapel, a warrant for payment of a year's pension to her, dated December 19 1671, signed by Shaftesbury, then Lord Ashley and a Commissioner of the Treasury. Sir A. Ashley's first wife, Shaftesbury's grandmother, was Jane, daughter of Philip Okeover esq. of Okeover in Staffordshire.

himself he resolved, and did accordingly settle all his fortunes in his life-time, that they should come after his decease to my mother and father for their lives and after that to me, without his own or their power to alter it, for he grew every day more and more fond of me, being a prating boy and very observant of him.

It ought not to be forgotten that at my birth there was Doctor Olivian, a German, a very learned physician and greatly skilled in nativities, who took the minute of my birth and foretold great things from it, which he told several people then of, and me very often since, for he lived till I was past twenty and was always particularly kind and conversant with me.*

I continued at Wimborn St. Gyles, until my grandfather's death, which was in 1627, January 13th,† and so likewise until my mother's sickness, who falling ill of the small-pox, whereof she died in July 1628, myself one brother and one sister, which were all the children my parents had, were removed for some months for fear of the infection to Rockborn and Whichbury,‡ the

* This is the person referred to by Bishop Burnet, who says of Shaftesbury, "He had the dotage of astrology to a high degree; he told me that a Dutch doctor had from the stars foretold him the whole series of his life." (Own Time i. 96.) There has been an idle attempt to discredit this statement of Burnet by representing Shaftesbury as bantering the Bishop. See Martyn's Life i. 41, note. Astrology had then many votaries among persons of rank and education. There is a story told in "Rawleigh Redivivus," of a prediction of this German doctor that Shaftesbury would on a certain day have a narrow escape of drowning, and the prediction is said to have been verified. (p. 7.)

† January 13, 1628, according to the present mode of counting the year. It was then reckoned to begin on March 25.

‡ Rockborne is a parish in the hundred of Fordingbridge in Hampshire, close to the borders of Wiltshire and Dorsetshire. Whichbury, where Sir J. Cooper also had a house, is in Wiltshire, close

disease following us causing our change of places. From thence afterwards we returned to Wimborn St. Gyles, and continued there until my father married a second time the widow of Sir Charles Moryson and daughter and co-heir of the Lord Viscount Camden,* a lady beautiful and of great fortune, a discreet woman of a large soul, who, if she had not given some jealousy to both her husbands and confirmed it after by marrying the person, might† have been numbered amongst the excellent.‡ This marriage caused our remove to Cashiobury in Hertfordshyre, the jointure house of this lady by her first husband, *living* there and at Wimborn St. Gyles by turns, as their business or their fancy required until March 1630,‖ when my father died at Cashiobury, where all his family then was.

From a little before my grandfather's death to this time, I had been under the instruction of one Mr. Guerden§ as my tutor, who has since taken the degree of a doctor of physic, and has been of great practice in the city of London. Old Sir Anthony chose him for his being a noted Puritan, saying youth could not have too deep a dye of religion, business and conversation in

to Rockborne; and Wimborne St. Giles in Dorsetshire is within a few miles' distance from Rockborne and Whichbury.

* Sir Baptist Hickes, the great city mercer, created Viscount Camden or Campden by Charles I. (Banks's Dormant and Extinct Peerages iii. 140.)

† The form *mought* is always used by Shaftesbury for *might*.

‡ Her third husband was Sir Richard Afford, knight. She had had one child by her first husband, Sir C. Morrison, a daughter, who was heiress of Cashiobury, and became wife of the gallant and ill-fated Lord Capel, and mother of the not less ill-fated Earl of Essex, who was found dead in the Tower on the day of Lord Russell's trial.

‖ Sir J. Cooper died March 23 1631.

§ There is a blank in the manuscript for this name. I supply it from the next autobiography. See p. 39.

the world would wear it to a just moderation. This man was moderately learned, a great lover of money, had neither piety proportionable to the great profession he made nor judgment and parts to support the good opinion he had of himself; but he served well enough for what he was designed for, being formal and not vicious. Upon the death of my father, the Easter term following I made my first journey to London. I lodged at Sir Daniel Norton's lodging in Three Cranes Court in Fleet Street, he being one of my guardians by my father's will, and after the term went down with him to Southwick, his house near Portsmouth in Hamshyre. Here Mr. Guerden left me and went not down; but I was then taught by Mr. Fletcher, who was taken in the house to four sons of Sir Daniel's, a very excellent teacher of grammar.

My father's debts, which were very great, contracted by his loss at play, his only fault, and a very fatal one to our family,* had raised so many suits, and given the

* He was also generally extravagant. In a letter from Lady Elizabeth Harris (November, 1734) to the Countess of Shaftesbury, wife of the fourth Earl, preserved among Lord Shaftesbury's papers, occurs this passage: "Why, when mention is made of Sir John Cooper's great debts from play, should not his very great hospitality which was conspicuous (some old servants of the family have oft times told me he had no less than three houses, viz., St. Giles's, Rockborne, and, if my memory fails me not, Lediard, all furnished with servants &c., and kept open house whenever he was at any of them) be remarked?" Lady Elizabeth Harris, was a granddaughter of Shaftesbury, sister of the third Earl, the author of the "Characteristics;" she was mother of James Harris, the author of "Hermes." She took great interest in the biography of her grandfather, which the fourth Earl had engaged Mr. Martyn to prepare, endeavoured to procure materials, and wrote suggestions to the Countess. Sir J. Cooper sat in the House of Commons for Poole, in the first and third parliaments of Charles I, 1625 and 1628

then Court of Wards and some near relations and neighbours hopes to advantage themselves in the confusion and disorder of so great an estate, in so much that my grandfather's own brother, Sir Francis Ashley, the King's serjeant at law, one of more elocution, learning, and abilities than grátitude or piety to his elder brother's family, old Mr. Tregonwell, a near neighbour but no good Samaritan, one that never knew generosity or kindness but for himself his horse or his dog, Sir William Button, a miserable wretch, the Earl of Danby* and others, on pretence of being creditors or sureties, but in truth having an eye on several parts of the estate which, if sold in haste, must become good pennyworths; these having by the help of Sir Francis Ashley found the way to engage to their party Sir Walter Pye, Attorney of the Court of Wards, a corrupt man who then swayed that Court, the Master, Sir Robert Naunton, being not the activest man, they quickly took the estate by order of the Court out of my father's trustees' hands and appointed these very men (except the Earl of Danby) and their friends commissioners to sell the land,* who speedily

* Henry Danvers, Earl of Danby, son of Sir John Danvers who had married, in the reign of Elizabeth, one of the daughters and co-heiresses of the last Lord Latimer; he was created by James I. Baron Danvers, and by Charles I. Earl of Danby. He died unmarried, 20th January 1644. He was a soldier, and was the founder of the medical garden at Oxford. (Banks's Extinct and Dormant Peerages iii. 225) The title of Earl of Danby, which became extinct on his death, was revived in 1674 in the person of the famous Lord Treasurer Osborne, whose mother was another co-heiress of Lord Latimer, and who was ultimately created Duke of Leeds.

* Many papers relating to these proceedings exist among the records of the Court of Wards in the Chapter House, and among them is a list of the commissioners for the sale of the lands, who were fifteen in number. Sir F. Ashley

despatched the matter, selling the most part to one another at their own rates, Rockborn, my father's seat, to Mr. Tregonwell, Damerham Martin and Lodyrs, the two first very near me, goodly manors, to Sir Francis, my uncle. This occasioned Sir Daniel Norton to go constantly to London every term, and he very often took me with him as thinking my presence, though very young, might work some compassion on the Court or those that should have been my friends. My father had appointed three trustees for me and my estate, Sir Daniel Norton, Mr. Edward Tooker that had married my father's sister, and Mr. Hannam of Wimborn, a near kinsman; but Mr. Hannam, finding trouble, gave up the trust, not having kindness for our family to undergo either hazard or trouble for us. Sir Daniel and my uncle Mr. Tooker undertook it, and refused to convey the lands to such purchasers as the Court of Wards sold the land to by those commissioners of their own appointing, excluding them my father had only trusted, and desired time to sell the land at better rates, and in particular that I might be allowed to be a purchaser of Rockborn, Pawlett, and the manors of Damerham Martin and Lodyrs, I having an estate of my own from Sir Anthony Ashley, my mother's father, for which I was not in ward. This was pressed in open court, I being then present; the Court refused, unless the purchasers, who were also present, would consent; the argument for Pawlett* was

was not one of them, as might be inferred from the account in the text, and as is stated by Martyn, (i. 36.) See for an account of the landed property inherited by Sir A. A. Cooper the finding of the jury which held inquisition on Sir John Cooper's death, in Collins's Peerage ed. Brydges, iii. 546.

* Pawlett or Paulett had been acquired by Shaftesbury's great grandfather, Richard Cooper, part

that it was ancient land of my family, for Rockborn that it was the seat of the Coopers, near my other house, as also was Damerham and Martin, and that they were all too good bargains to be sold from the family. Mr. Blanchflower, a gentleman that was esteemed very near and knew how to make the best of his money, yet thought this so reasonable that he readily consented, and declared that he aimed at no other advantage but his debt and interest to be forthwith paid.* My uncle, Sir Francis Ashley, who had bought Damerham Martin and Lodyrs, and my neighbour, Mr. Tregonwell, who had contracted for Rockborn, positively refused, though very much urged, to part with their bargains. Whereupon my trustees were required by the Court to convey the estates to them, which they refusing, the Court committed them to the Fleet, and they were forced to convey before released.†

by purchase from Sir Amias Paulett, and part by grant from Henry VIII., who took the manor from Gaunt's Hospital at Bristol. (Collinson's Hist. of Somerset iii. 100.)

* Mr. Blanchflower would be the purchaser of Pawlett.

† It appears from a note among the Shaftesbury papers, that Robert Wallop and Francis Trenchard were committed to the Fleet, June 16 1631, for refusing to assign Damerham and Loders to Sir F. Ashley. These would be the friends to whom the guardians had sold these estates in trust for Shaftesbury, as stated later in the text. Wallop was Shaftesbury's cousin, and was afterwards beholden to Shaftesbury for a similar but greater service. He was one of the judges of Charles I., but he did not sit on the day on which sentence of death was passed, nor was his name subscribed to the warrant. After the Restoration his life was spared, but he was imprisoned for life, and his estates were forfeited. The king was prevailed on to grant Wallop's estates to the Earl of Southampton, Shaftesbury (then Lord Ashley,) and two others, for the use of his wife and family. Wallop died in the Tower in 1667; and the estates were afterwards reconveyed by the trustees to the family. Shaftesbury acted zealously to serve Wallop and his family on this occasion; but the account given in Martyn's Life (i. 217) of Shaftesbury's part in this affair is absurdly exagge-

Thus was my estate torn and rent from me before my face by the injustice and oppression of that Court, near relations, and neighbours who I may truly say, have been twenty thousand pound damage to me;* yet Mr. Tregonwell had not good success in his hard dealing, for he was so greedy of a good bargain that he looked not into his title, and this manor proved entailed on my father's marriage with my mother, my father having left this out of the fine he passed on all his other lands when he conveyed them for the discharge of his debts, not intending to sell the place of his father's bones, especially when his other land would more than serve to pay all. This blot was soon hit when I came to manage my own matters; and Mr. Tregonwell's grandchild and myself came to an agreement, I suffering him to enjoy his own and his lady's life in the manor, in which I designed to bury all animosity or ill will as well as lawsuits betwixt the families.

My trustees, notwithstanding their forced conveyance, yet preferred a bill against my uncle, they having sold the manors of Damerham and Lodyrs before to one for my use, and my uncle having bought it by a particular that now he endeavoured to avoid; for it consisting all of old rents, my trustees, to make it the easier purchase for me, had granted all the estates untilled to

rated. See a letter on the subject from the Earl of Southampton to Archbishop Bramhall in the Rawdon Papers, p. 153. Robert Wallop is the direct ancestor of the Earls of Portsmouth.

* One of the first acts of the legislature after the Restoration was the abolition of the Court of Wards, and Shaftesbury, then a member of the House of Commons, was able to avenge the losses of his youth by giving a helping hand for its abolition. "Sir A. A. Cooper spoke against the Court of Wards and for the Excise." Nov. 21 1660. (Parl. Hist. iv. 148.)

friends in waste to the value of some two thousand pounds, and my uncle, Sir Francis, bought it by the same particular as full stated, yet afterwards endeavoured to overthrow this trust, and to improve his great bargain in yet two thousand pounds more. Sir Francis Ashley, being opposed by my trustees in this design, and finding my separate estate, which came to me from his brother my grandfather and was not liable to wardship, to be the fund by which my trustees were enabled to give him this opposition, he most wickedly designs the total ruin of my fortune, and desires to be heard on behalf of the King to prove that the deed by which I claimed was not valid to preserve that land from wardship, and accordingly a day was set down for hearing the debate of this deed. Mr. Noy was then the King's Attorney, who, being a very intimate friend of my grandfather's, had drawn that settlement; my friends advised that I was in great danger if he would not undertake my cause, and yet, it being against the King, it was neither proper nor probable he would meddle in it for me; but weighing the temper of the man, the kindness he had for my grandfather, and his honour so concerned if a deed of that consequence should fail of his drawing, they advised that I must be my own solicitor, and carry the deed myself alone to him, which, being but fourteen* years old, I undertook and performed with that pertness that he told me he would defend my cause though he lost his place. I was at the Court, and he made good his word to the full without taking one penny fees. My Lord Cottington was then Master of the Wards, who, sitting with his hat over his eyes, and having heard Sir Francis make a long

* A blank in the manuscript for the age. This trial was in 1635.

and elegant speech for the overthrowing of my deed, said openly, "Sir Francis, you have spoke like a good uncle." Mr. Attorney Noy argued for me, and my uncle rising up to reply (I being then present in court,) before he could speak two words, he was taken with a sudden convulsion fit, his mouth drawn to his ear, was carried out of the court, and never spoke more.*

I continued under the care of Sir Daniel Norton for several years until his death, which happened in 1635.

* Sir Richard Baker notes Sir Francis Ashley's death as "by the will of God," 20th November, 1635. (Chronicle p. 417, ed. 1684.) Noy, who was made Attorney General in January 1634, is said to have died in September 1635. See Howel's Letters i. 233. There must be a mistake in one or other of these dates, probably in the date of Sir F. Ashley's death. The story in the text is evidently authentic, and is an interesting story of Noy, whose historical reputation is unfavourable. Sir Francis Ashley, who appears so unfavourably in this story, was a conspicuous defender of the arbitrary system of Charles I, and was committed to custody by the House of Lords in 1628, on account of the violence with which he argued at the bar of that House for the Crown against the Petition of Right. The only child and heiress of Sir Francis Ashley married the celebrated Presbyterian leader, Denzil Holles, who inherited this litigation. It appears by a note preserved among the Shaftesbury papers, that Sir F. Ashley had promised to reconvey Damerham and Loders to Sir A. A. Cooper when he became of full age, and that there was a suit against Holles to enforce execution of this promise. On February 13, 1637, the Court declared the promise voluntary and not binding, and pronounced Holles's demurrer good in bar of Sir A. A. Cooper's suit. There was still litigation between Cooper and Holles in 1641, when, Cooper having been returned to the Long Parliament for Downton on a double return, there is an entry in the Commons' Journals, February 10, 1641, recording permission to Holles to proceed in his suit against Sir A. A. Cooper. The entry is thus expanded in Sir Simonds d'Ewes' MS. Journal. "It was agreed in the House that Mr. Hollis, a member of this House, having a suit against Sir Anthony Ashley Cooper (he named Anthony Ashley in his baptism) being an elected member of this House, but the election being in controversy, and he not yet admitted to sit as a member, was allowed to proceed in the suit, being in the Court of Wards, and demand publication of witnesses." Harl. MSS. in British Museum, 162 p. 213 a.

He was a worthy and an honest gentleman, and had been in his younger days a very valiant experienced and fortunate sea-commander; he had Southwick by my lady, who was heir of the Whites: she was a worthy and a shining woman, an excellent housewife, and mother of many deserving children, and was my godmother. Sir Daniel being dead, and I of that age as now to choose my own guardian, being above fourteen, my Lady Norton was desirous to continue me with her, and the rather because she might reasonably expect I might prove a husband for one of her daughters, there being a great friendship between her youngest daughter Elizabeth and me: and truly, if the condition of my litigious fortune had not necessitated me to other thoughts for support and protection, the sweetness of the disposition of that young lady had made me look no further for a wife. My uncle Tooker and Sir Walter Erle both also pretended to the care of me; Sir Walter Erle's son, Mr. Thomas Erle, being of the same age with me, and there being the nearest friendship betwixt us was imaginable in our years, which increased as we grew older and never to expire but in both our deaths. But my being so very young was assisted with the troubles I had already undergone in my own affairs, having now for several years been inured to the complaints of miseries from near relations and oppressions from men in power, being forced to learn the world faster than my book, and in that I was no ill proficient: yet I had for my diversion both hounds and hawks of my own. I chose my uncle Tooker, my surviving trustee, for my guardian, he being most versed in my affairs, my nearest relation, and had the reputation of a worthy man, as indeed he proved; he

was a very honest industrious man, an hospitable prudent person, much valued and esteemed, dead and alive, by all that knew him. To his house in Salisbury my brother George, my sister Philippa, and myself removed from Southwick, where, and at Madington a country house of my uncle's eight miles from Salisbury, we continued until, in the year 1637, I went to Oxford to Exeter College, under the immediate tuition of Dr. Prideaux.*

During my residing with my uncle and my being at Oxford my business often called me to London in the terms, where I was entered of Lincoln's Inn.† Thus the condition of my affairs gave me better education than any steady designed course could have done: my business called me early to the thoughts and considerations of a man, my studies enabled me better to master those thoughts and try to understand my learning, and my intermixed pleasures supported me and kept my mind from being dulled with the cares of one, or the intentness I had for the other.

I kept both horses and servants in Oxford and was allowed what expense or recreation I desired, which liberty I never much abused; but it gave me the opportunity of obliging by entertainments the better sort and

* His name had been entered, according to Anthony Wood, in Lent term, 1636. (Ath. Oxon., ed. Bliss, iv. 70.) Dr. Prideaux was Rector of the College and afterwards Bishop of Worcester. Exeter College prospered greatly under his rectorship. For an account of this learned and excellent man see Prince's Worthies of Devon and Wood's Athen. Oxon. iii. 265.

† His name is one of the last entered in the Lincolns Inn Register in 13 Car. I, 1637-8. Lord Falkland's name is within four or five before it. In "Rawleigh Redivivus" it is erroneously stated that Shaftesbury was a member of Grays Inn.

supporting divers of the activest of the lower rank with giving them leave to eat when in distress upon my expense, it being no small honour amongst those sort of men, that my name in the buttery book willingly owned twice the expense of any in the University. This expense, my quality, proficiency in learning, and natural affability easily not only obtained the goodwill of the wiser and older sort, but made me the leader even of all the rough young men of that college, famous for the courage and strength of tall raw-boned Cornish and Devonshire gentlemen, which in great numbers yearly came to that college, and did then maintain in the schools coursing against Christ Church, the largest and most numerous college in the University. This coursing was in older times, I believe, intended for a fair trial of learning and skill in logic, metaphysics, and school divinity, but for some ages that had been the least part of it, the dispute quickly ending in affronts, confusion, and very often blows, when they went most gravely to work. They forbore striking, but making a great noise with their feet they hissed and shoved with their shoulders, and the stronger in that disorderly order drove the other out before them, and, if the schools were above stairs, with all violence hurrying the contrary party down, the proctors were forced either to give way to their violence or suffer in the throng. Nay, the Vice Chancellor, though it seldom has begun when he was present, yet being begun he has sometimes unfortunately been so near as to be called in, and has been overcome in their fury once up in these adventures. I was often one of the disputants, and gave the sign and order for their beginning, but being not strong of body was always

guarded from violence by two or three of the sturdiest youths, as their chief and one who always relieved them when in prison and procured their release, and very often was forced to pay the neighbouring farmers, when they of our party that wanted money were taken in the fact, for more geese, turkeys, and poultry than either they had stole or he had lost, it being very fair dealing if he made the scholar when taken pay no more than he had lost since his last reimbursement.

Two things I had also a principal hand in when I was at the college. The one, I caused that ill custom of tucking freshmen to be left off: the other, when the senior fellows designed to alter the beer of the college which was stronger than other colleges, I hindered their design. This had put all the younger sort into a mutiny; they resorting to me, I advised all those were intended by their friends to get their livelihood by their studies to rest quiet and not appear, and that myself and all the others that were elder brothers or unconcerned in their angers should go in a body and strike our names out of the buttery book, which was accordingly done, and had the effect that the senior fellows, seeing their pupils going that yielded them most profit, presently struck sail and articled with us never to alter the size of our beer, which remains so to this day.

The first was a harder work, it having been a foolish custom of great antiquity that one of the seniors in the evening called the freshmen (which are such as came since that time twelvemonth) to the fire and made them hold out their chin, and they with the nail of their right thumb, left long for that purpose, grate off all the skin from the lip to the chin and then cause them to drink a

beer glass of water and salt. The time approaching when I should be thus used, I considered that it had happened in that year more and lustier young gentlemen had come to the college than had done in several years before, so that the freshmen were a very strong body. Upon this I consulted my two cousin-germans, the ————,* my aunt's sons, both freshmen, both stout and very strong, and several others, and at last the whole party were cheerfully engaged to stand stoutly to defence of their chins. We all appeared at the fires in the hall, and my Lord of Pembrook's son calling me first, as we knew by custom it would begin with me, I according to agreement gave the signal, striking him a box on the ear, and immediately the freshmen fell on, and we easily cleared the buttery and the hall, but bachelors and young masters coming in to assist the seniors, we were compelled to retreat to a ground chamber in the quadrangle. They pressing at the door, some of the stoutest and strongest of our freshmen, giant-like boys, opened the doors, let in as many as they pleased, and shut the door by main strength against the rest; those let in they fell upon and had beaten very severely, but that my authority with them stopped them, some of them being considerable enough to make terms for us, which they did, for Dr. Prideaux being called out to suppress the mutiny, the old Doctor, always favourable to youth offending out of courage, wishing with the fears of those we had within, gave us articles of pardon for what had passed, and an utter abolition in that college of that foolish custom.†

* There is here a blank in the manuscript for the name.

† Anthony Wood describes this practice of "tucking," as existing

Being now grown up towards a man, several marriages were proposed, and amongst others a half-sister of Mr. Rogers, daughter to Sir Robert Banister by Mr. Rogers's mother. Mr. Rogers was of the same county, a near neighbour, of a noble family and estate, a proper handsome man, and indeed a very worthy noble gentleman, and one that thought so well of himself as gave him a value with others. The Earls of Hertford had married into his family, which filled his sails with no small vanity. This match Dr. Olivian, my great friend, earnestly pressed me to, not only as it was every way suitable and fit for me, but, as he positively affirmed, he saw by his art there would be feuds and great danger to me if it was not a match, and, if it were, he could assure me she would prove a vast fortune, professing he had no concern in it above mine; and I did truly believe so, but I told him I could not see a possibility of her being so great a fortune or having considerable addition to her present portion, since her father had divers sons, and some married. He replied he was sure of the thing, but could not tell me how it should be; and this lady, after marrying my Lord Maynard, by the death of her brothers and strange unequal humour of her father, came to be a very great fortune indeed. But my uncle Tooker, considering the great use I had of powerful friends, advised me to make address to one of my Lord Keeper Coventry's daughters; which with his assistance I did, and was kindly received by my lord and his lady. And notwithstanding I was very young and unexperienced

in Merton College, when he entered in 1647. See Notes and Queries, vol. i. pp. 261, 306, for some notices of this college practice, which probably existed also at Cambridge.

in love affairs, yet the prudence and affection of the lady I addressed to overlooked that and made a judgment what I was like to be for a man or a husband rather than how good love-speeches I then made; for I did that very ill, was very talkative and good company to her sisters, but my love to her gave me that desire to seem excellent that I could say nothing, insomuch that her mother and they suspected that I was more inclined to one of them, but, that being cleared, all matters went successfully on, and we were married in February 1638.* But before our marriage the first part of Dr. Olivian's predictions began to have their effect; for Mr. Rogers, hearing where my address was, did, by the favour of my Lord Cottington, then a suitor to the elder sister, earnestly press to be admitted a servant to my mistress, but neither she nor her friends would admit it, but yet the offer and attempt was so open and avowed that it began a never reconciled feud betwixt us, he having offered me the highest injury, and merely out of malice.

My wife and I lived with my Lord Keeper† at Durham House and Canbury,‡ and I very often went to my own

* February, 1639.

† The Lord Keeper Coventry has been described by his friend Clarendon in a high tone of eulogy, in one of his most finely drawn characters. (Hist. of Rebellion i. 80.) Clarendon has described Lord Coventry as being not less distinguished for political knowledge and practical wisdom than legal learning, and as a man of great truth and simplicity of character. Such a father-in-law would have been a most valuable counsellor to Sir Anthony Ashley Cooper on his entrance into life; but death unfortunately soon deprived him of this advantage, for Lord Coventry died in about a year after Sir Anthony's marriage.

‡ Durham House was in the Strand, overlooking the river. It had been built in the fourteenth century for a town residence for the Bishop of Durham. It was afterwards a royal palace, and was inhabited by Queen Elizabeth when Princess. Sir Walter Raleigh had inhabited it. It belonged at this time to the Earl of Pembroke,

house in the country, where though young I made it one part of my business to show Mr. Rogers in his stately and ambitious humour, which did easily disoblige those of best quality and by degrees make others not so fond of him. The eastern part of Dorsetshire had a bowling-green at Hanley,* where the gentlemen went constantly once a week, though neither the green nor accommodation was inviting, yet it was well placed for to continue the correspondence of the gentry of those parts. Thither resorted Mr. Hastings of Woodland, Sir Gerard Nappeir, Mr. Rogers, Sir William Uvedall, Mr. Carent of Woodyats, Mr. Okeden, Mr. Butler, father and son, and Mr. Edward Hooper of Boryds,† Mr. Ryves of Raynston, Mr. Holles,‡ Mr. Chafin of Chettle, Mr. Hussey of

and was rented by Lord Coventry. It has been long since pulled down; its site is covered by the Adelphi. See Cunningham's London. Canbury is Canonbury, in Islington, where there was a mansion which was at this time also rented by the Lord Keeper. This mansion had been built in 1432 for the Prior of the Canons of St. Bartholomew. It was bought in the sixteenth century by Sir John Spenser, whose daughter and heir married the first Earl of Northampton. A part of the house with a tower still remains. There was a tradition that the old house had been built for the Prior for a penny a day; this and the salubrity of Canbury are alluded to in a poem published in 1743 in the Gentleman's Magazine.

"Now Canburys numerous turrets rise to view,
No costly structure if the tale be true;
Here city doctors bid the sick repair
Only too oft to die in better air."

The tower was for a long time let in apartments, and Goldsmith is said to have composed there the Vicar of Wakefield. See Notes and Queries, 2nd ser., vol. 8, p. 132. and Cunningham's London.

* Hanley or Handley, near Cranborne and Wimborne St. Giles.

† Boryds, Boridge, or Boveridge.

‡ The celebrated Denzil Holles. He was second son of the Earl of Clare, and became a gentleman of Dorsetshire by his marriage in 1627 with the only child and heir of Sir Francis Ashley, Shaftesbury's unjust relative. Holles retained Da-

Edmondsham, Mr. Ernley, Mr. Arney, Sir George Moreton, and myself, with several others. Here I omitted no opportunity, and it was often given, to show Mr. Rogers, where his coach and six horses did not a little contribute to their envy. His garb, his discourse, all spoke him one that thought himself above them, which when observed to them they easily agreed to. My family, alliance, fortune being not prejudiced either by nature or education gave me the juster grounds to take exceptions; besides my affable easy temper, now with care improved, rendered the stiffness of his demeanour more visible.

Mr. Hastings, by his quality, being the son, brother, and uncle to the Earls of Huntingdon, and his way of living had the first place amongst us. He was peradventure an original in our age, or rather the copy of our

merham and Loders. Shaftesbury, who began life with a law-suit with Holles which engendered bitter feelings, was afterwards his political associate and friend. Sir A. A. Cooper joined, in 1644, the parliamentary party of which Holles was then a distinguished leader. He stood aloof from the subsequent feud between the Presbyterian members and Cromwell's party, which drove Holles out of the Parliament. He had afterwards a great part in restoring Holles and the other secluded members in 1660; and the two were closely associated in bringing about the Restoration. Holles was made a peer by the title of Baron Holles at the coronation of Charles II., at the same time that Shaftesbury entered the peerage as Baron Ashley. Lord Holles was afterwards ambassador in France, and died in 1680 at the age of eighty-one. He held no office of state at home during Charles II's reign, and took no prominent part in the debates of the House of Lords. But he was a staunch Whig, and was on the side of Shaftesbury in the great controversies about Popery and the Exclusion Bill. His "Memoirs" from 1641 to 1648 are well known. The fullest accounts of him are to be found in Collins's Collections of the Cavendish and Holles Families, the Biographia Britannica, and M. Guizot's volume of biographies of the Civil War. It is to be observed that Shaftesbury omits Holles in his descriptions.

nobility in ancient days in hunting and not warlike times: he was low, very strong and very active, of a reddish flaxen hair, his clothes always green cloth, and never all worth when new five pounds. His house was perfectly of the old fashion, in the midst of a large park well stocked with deer, and near the house rabbits to serve his kitchen, many fish-ponds, and great store of wood and timber; a bowling-green in it, long but narrow, full of high ridges, it being never levelled since it was ploughed; they used round sand bowls, and it had a banqueting house like a stand, a large one built in a tree. He kept all manner of sport hounds that ran buck, fox, hare, otter, and badger, and hawks long and short winged; he had all sorts of nets for fishing: he had a walk in the New Forest and the manor of Christ Church. This last supplied him with red deer, sea and river fish; and indeed all his neighbours' grounds and royalties were free to him, who bestowed all his time in such sports, but what he borrowed to caress his neighbours' wives and daughters, there being not a woman in all his walks of the degree of a yeoman's wife or under, and under the age of forty, but it was extremely her fault if he were not intimately acquainted with her. This made him very popular, always speaking kindly to the husband brother or father, who was to boot very welcome to his house, whenever he came; there he found beef pudding and small beer in great plenty, a house not so neatly kept as to shame him or his dirty shoes, the great hall strewed with marrow-bones, full of hawks' perches, hounds, spaniels, and terriers, the upper sides of the hall hung with the fox-skins of this and the last year's skinning, here and there a polecat intermixed,

guns and keepers' and huntsmen's poles in abundance. The parlour was a large long room as properly furnished; on a great hearth paved with brick lay some terriers and the choicest hounds and spaniels; seldom but two of the great chairs had litters of young cats in them which were not to be disturbed, he having always three or four attending him at dinner, and a little white round stick of fourteen inches long lying by his trencher that he might defend such meat as he had no mind to part with to them. The windows, which were very large, served for places to lay his arrows, crossbows, stonebows, and other such like accoutrements; the corners of the room full of the best chose hunting and hawking poles; an oyster-table at the lower end, which was of constant use twice a day all the year round, for he never failed to eat oysters before dinner and supper through all seasons. The neighbouring town of Poole supplied him with them. The upper part of this room had two small tables and a desk, on the one side of which was a church Bible, on the other the Book of Martyrs; on the tables were hawks' hoods, bells, and such like, two or three old green hats with their crowns thrust in so as to hold ten or a dozen eggs, which were of a pheasant kind of poultry he took much care of and fed himself; tables, dice, cards, and boxes were not wanting. In the hole of the desk were store of tobacco pipes that had been used. On one side of this end of the room was the door of a closet, wherein stood the strong beer and the wine, which never came thence but in single glasses, that being the rule of the house exactly observed, for he never exceeded in drink or permitted it. On the other side was a door into an old chapel not used for devotion; the pulpit, as

the safest place, was never wanting of a cold chine of beef, pasty of venison, gammon of bacon, or great apple-pie with thick crust extremely baked. His table cost him not much, though it was very good to eat at, his sports supplying all but beef and mutton, except Friday, when he had the the best sea-fish as well as other fish he could get, and was the day that his neighbours of best quality most visited him. He never wanted a London pudding, and always sung it in with "my part lies therein-a." He drank a glass of wine or two at meals, very often syrrup of gilliflower in his sack, and had always a tun glass without feet stood by him holding a pint of small beer, which he often stirred with a great sprig of rosemary. He was well natured, but soon angry, calling his servants bastard and cuckoldy knaves, in one of which he often spoke truth to his own knowledge, and sometimes in both, though of the same man. He lived to a hundred, never lost his eyesight, but always writ and read without spectacles, and got to horse without help. Until past fourscore he rode to the death of a stag as well as any.*

Sir Gerard Napper had one of the best estates in the county, was a deputy-lieutenant, colonel of the western

* This racy sketch of Mr. Hastings was printed in the Connoisseur, No. 81, August 14, 1755. It had been previously published in the Gentleman's Magazine, vol. 24, 1754. It is printed in Martyn's Life. It has been hitherto printed with some few inaccuracies and variations. The "my part lies therein-a" has been wrongly printed "my pert eyes &c," and is so written in the copy at St. Giles's. This is part of an old catch,

"There lies a pudding in the fire,
And my part lies therein-a.
When shall I call in, O!
Thy good fellows and mine-a."

I owe this piece of information to Notes and Queries, 2nd Series, vol. vii. p. 323. There is a portrait of this Hon. Henry Hastings at St. Giles's, and an engraving from the portrait in Hutchins's Hist. of Dorset, ii. 510.

regiment, a good housekeeper, well versed in all his country business and employments, but had not a genius above that, and of a temper inclined to envy, not obliging, and to speak as ill as he could of the absent. Sir George Moreton, of the noble family of Cardinal Moreton, that wise and worthy statesman in Henry the Seventh's days; he was of the shape and temper of his family, large, strong, stout, generous and plain-hearted, but wanting conduct had much worsted his estate, which from the Cardinal's time had always been one of the very best of the county. Sir William Uvedall was of a good family and fortune, and would have had a considerable regard in his country, had not those things which were good in him been drowned in his excessive covetousness; he had got together and hid in house many thousand pounds, which were afterwards stolen from him by some that got intelligence of it. Mr. Carent was of a good estate, and of a very ancient family, a lean tall old man, very worthy and honest. Mr. Hooper was a judicious discreet country gentleman of a good estate. Mr. Chafin was a personable well-carriaged man of a good estate, wanted neither understanding nor value for himself, was an enemy to the Puritan party.

These were the men of most consideration and sway that resorted to that meeting; but in that eastern part of the county there were other men of power that came not to the meeting, Sir Walter Earl of Charborow, Mr. Hannam of Wimborn, both worthy and honest gentlemen, lovers of their country and no admirers of Mr. Rogers's way. Sir Walter had been a Low Country soldier, valued himself upon the sieges and service he had been in; his garden was cut into redoubts and

works representing these places, his house hung with the maps of those sieges and fights had been most famous in those parts. They were both inclined to the Puritan. Sir Francis Fulford, Mr. John Tregonwell of Milton, and Mr. Thomas Tregonwell of Anderson, may be also reckoned among the eastern men, since their seats are much nearer Blandford than Dorchester. Sir Francis Fulford was of a very ancient and noble family in Devonshire, had an estate and lived most in our country. Colonel Bingham was of a very noble and ancient family that had been possessed, and left their names to many towns, in this county and Somerset; he had now a good estate and was a very honest good man and a Puritan. Mr John Tregonwell enjoyed his night-caps, his poached eggs, his chamber pleasures, and thought no further of the world. Mr. Thomas Tregonwell was perfectly his father's son. These two had the old man's estate almost equally divided, so that he that had least, which was the youngest, had near £1700 per annum.

The western side afforded several men of quality, the Earl of Bristoll at Sherborn and his son the Lord Digby, Sir John Strangwaies of Abotsbury, Sir John Heal of Clifton, Sir Thomas Trenchard of Woolton, Mr. Coker of Maypouder, Mr. Angell Gray,* and divers others. The Earl of Bristoll was retired from all business and lived privately to hinself; but his son the Lord Digby, a very handsome young man of great courage and learning and of a quick wit, began to show himself to the world and gave great expectations of himself, he being

* Mr. Anchitell Grey, mentioned royalist. (Hist. of Rebellion v. by Clarendon as a Dorsetshire 125.)

justly admired by all, and only gave himself disadvantage with a pedantic stiffness and affectation he had contracted*. Sir John Strangwaies was very considerable both for estate and family, a wise crafty experienced man, but extremely narrow in expenses, a great enemy of the Puritans;† Sir Thomas Trenchard of a very noble family and good estate, a very honest well-natured

* Lord Digby, afterwards second Earl of Bristol, was now twenty-seven. In four years from this time he was Secretary of State to Charles the First; and he had a long political career in which great talents and advantages were always prejudiced by vanity and indiscretion. He succeeded to the title of Earl of Bristol in 1653. He became a Roman Catholic before the Restoration; he was one of the believers in astrology. He was born in 1612 and died in 1677. Being an avowed Roman Catholic, he was not admitted to office in Charles II.'s reign: but he from time to time exercised great influence over the king; and he was at times out of favour and in opposition. In the violent debates of the House of Lords in 1675 Bristol made an attack on Shaftesbury; the House interfered and ordered Bristol to beg pardon, and resolved that what he had said had made no impression on them to Shaftesbury's prejudice (Lords' Journ. Nov. 20, 1675.) Shortly before, his son, Lord Digby, had made a violent speech against Shaftesbury at a public meeting in Dorsetshire (August 27, 1675) for which Shaftesbury brought an action and obtained a thousand pounds damages.

† In 1644 Shaftesbury at the head of a parliamentary force stormed and destroyed the house of Sir John Strangways, at Abbotsbury. See p. 51. He died in 1666. His heir, Colonel Giles Strangways, inherited Cavalier politics; he was member for Dorsetshire in the long parliament of Charles the Second's reign, made himself conspicuous in opposition to the Protestant dissenters, and was made a member of the Privy Council in 1675. Andrew Marvel writes to one of his constituents, July 21, 1675, "Shaftesbury of the Lords, Cavendish and Newport of the Commons, are forbid the Court; Strangways, a flagrant churchman, made privy councillor." (Works i. 426). He died immediately after attaining this dignity, and Marvel adds in a postscript to the same letter, "Strangways, a man of seven or eight thousand pounds a year, having, as I told you, been lately made privy-councillor, is dead like a fool. The same post brings it certain. He was gone into the country, swoln with his new honour and with venom against the fanatics. He had set the informers to work, and died suddenly, notwithstanding his church's litany, *from sudden death*,

worthy man, a favourer of the Puritans.* Sir John Heal had a very great estate, was a personable well natured honest gentleman, very generous, kept a great house; his fault was only that he loved the cup and that way of over-caressing his friends. Mr. Coker of a very ancient family and a most worthy discreet gentleman, very knowing in the justice, government and affairs of the country, of a good estate. Mr. Gray wanted neither discretion nor cunning, no friend to the Puritan, and by consequence not in love with his neighbours of Dorchester, who were totally devoted that way, being managed by their parson, Mr. White, one of the wisest and subtlest of that sort of men.

This was the state of Dorsetshyre at that time. The

good Lord, &c. He was their great pillar in the House of Commons." See also Roger North's Examen p. 56, where Strangways is spoken of with admiration as Shaftesbury's great opponent in Dorsetshire, and as having organized the opposition to Shaftesbury when Chancellor for his having issued writs for the House of Commons. "Colonel Strangways, one of a mighty estate and interest in the west, and an inexpugnable loyalist, who for his eminent fidelity was afterwards called to serve the King as a Privy Councillor." The Earl of Ilchester is descended from this family through a female, in whom the line merged, and who in 1736 married Stephen Fox, created Earl of Ilchester, the eldest son of Sir Stephen Fox.

* The Trenchards had been long seated at Woolton, Wolveton or Wolverton, near Dorchester. This Sir Thomas was sixth in descent from the Sir Thomas Trenchard who, in 1506, entertained at Wolverton Philip, king of Castile, driven by a storm into the port of Weymouth, and who was on that occasion the means of introducing the ancestor of the Russells to the Court and fortune. See Lord John Russell's Life of Lord Russell vol. i. p. 2. The descendants of the puritan Sir Thomas here described have been unswerving in Whig politics. A grandson of his, Sir John Trenchard, was accused with Russell and Sydney for the Rye House Plot, but escaped conviction, had afterwards another narrow escape for his life, having joined Monmouth's rebellion, and ultimately became Secretary of State under William III. He is censured by Burnet for believing in astrology. (Own Time iv. 188.)

neighbour county of Somersett was then divided into two warm factions, Sir John Stowel and my Lord Pawlett leading the one side, Sir Robert Philips and Mr. John Coventry the other. Sir John was one of a very ancient family, very great estate, haughty and obstinate.* The Lord Pawlett was a cunning crafty old fox.† Sir Robert Philips was a very able well accomplished man, and Mr. Coventry being eldest son by the last lady to my Lord Keeper,‡ had married a lady of the family of

* Sir John Stowel or Stawel was a zealous royalist, and a chief promoter of the Western Counties' Association organised in 1645 for effecting peace, through the clubmen. (Clarendon's Hist. of Rebellion v. 86.) The part which he took in this Association is exactly that which is wrongly ascribed to Shaftesbury in the fragment of a Memoir in Locke's Works. See the note at p. 45.

† The first Baron Pawlett, Paulett, or Poulett, created a Peer by Charles I., grandson of Sir Amias, and direct ancestor of the present Earl Poulett.

‡ Lord Coventry, the Lord Keeper, was twice married; first to Sarah, daughter of Edward Sebright esq. of Besford in Worcestershire, by whom he had a son Thomas who succeeded to his title, and a daughter Elizabeth who married Sir John Hare of Stow-Bardolph in Norfolk; and secondly to Elizabeth, daughter of John Aldersey esq. of Spenstow in Cheshire, by whom he had four sons, John, Francis, Henry, and William, and four daughters, Anne, married to Sir William Savile bart. and mother of the eloquent and witty Lord Halifax, who was chief minister of Charles II. in the last troubled years of Shaftesbury's life, Mary to Sir Henry Frederic Thynne, bart., Margaret to Sir A. A. Cooper, and Dorothy to Sir John Pakington bart. The last, Lady Pakington, is supposed with much reason to have been the author of the "Whole Duty of Man." See Ballard's Learned Ladies, p. 320. Halifax is often spoken of in the Memoirs of the time as Shaftesbury's nephew. Two of the sons by the second marriage, Henry and William (Sir William Coventry,) rose to political eminence in the reign of Charles the Second. Henry was Secretary of State during eight years of that reign. Sir William Coventry had a leading part in bringing about the fall of Clarendon from power; at that time, according to Burnet, he was "in a fair way to be chief minister;" but he suddenly lost the fickle king's favour and was afterwards one of the most able, independent and influential members of the House Commons. (Burnet's Own Time

Coles* who had a very good fortune in that county. He had besides the support of his father's greatness all that nature or education could do for him, and was every way an extraordinary person, and had continued so, if he had not drowned much of that and his health in sacrificing to Bacchus. This country evil began to spread itself into Dorsetshire. Mr. Rogers's ambition and his ill will to me gave me the alarm to provide against him and to prosecute my design to make him to be understood by his greatest and most potent neighbours, Sir John Strangwaies, Sir Gerard Nappeir, and Sir John Heal, that all justly thought themselves at least his equals and were easily brought to apprehend him as one who expected to command us all and valued himself to the Court as already doing so.

Matters thus standing in the West, my wife continuing at her father's house, my Lord Keeper's eldest son, Mr. Thomas Coventry, an honest fair direct man, carried me with him to see his house in Worcestershyre, where we stayed some time, and I grew in great respect in those parts for a pleasant easy humour, but especially in the

i. 265, and Lord Dartmouth's and Speaker Onslow's notes). I shall print in a later part of this work some extracts from an interesting correspondence during Charles the Second's reign, which I found at Longleat, between Sir W. Coventry and his nephew Thomas Thynne, afterwards created Viscount Weymouth. Sir John Coventry, whose nose was slit by the courtiers in Charles the Second's reign, was son of the Mr. Coventry described by Shaftesbury in the text. Mr. Cooke, the editor of Marvyn's Life, incorrectly states that Shaftesbury's first wife was a niece of the Earl of Southampton, Lord Treasurer to Charles II. Shaftesbury's third wife, daughter of Lord Spencer of Wormleighton, and sister of the first Earl of Sunderland, whom he married in 1656, was Lord Southampton's niece. This error is in Lord Campbell's first edition, but has since disappeared.

* This name is usually spelt Colles; a known Somersetshire name.

town of Tewkesberry by an accident. They having invited their neighbour, my Lord Keeper's son, to a hunting in the chace near them and a dinner at their town after, all the neighbour gentry were called in to grace the matter, who failed not to appear and pay a respect not only to the town, but so powerful a neighbour. At the hunting I was taken with one of my usual fits, which for divers years had hardly missed me one day, which lasted for an hour, betwixt eleven and one, sometimes beginning earlier and sometimes later betwixt those times. It was a violent pain of my left side, that I was often forced to lie down wherever I was; at last it forced a working in my stomach, and I put up some spoonfuls of clear water, and I was well, if I may call that so, when I was never without a dull aching pain of that side. Yet this never abated the cheerfulness of my temper; but, when in the greatest fits, I hated pitying and loved merry company, and, as they told me, was myself very pleasant when the drops fell from my face for pain; but then, my servant near me always desired they would not take notice of it, but continue their diversions, which was more acceptable to me; and I had always the women and young people about me at those times, who thought me acceptable to them, and peradventure the more admired me because they saw the visible symptoms of my pain, which caused in all others so contrary an effect. At this hunting the Bailiffs* and chief of the town, being no hard riders, were easily led by their civility to keep me company, and being informed of my

* The chief officers of Tewkesbury were two Bailiffs, annually elected by the burgesses, twenty-four in number, from their own body.

humour, we were very pleasant together, and they thought themselves obliged with my respect, as liking their company and being free with them. On the other hand, I was ready to make them any return of their kindness, which quickly offered itself, for part of our discourse had been of an old knight in the field, a crafty perverse rich man in power as being of the Queen's Privy Council, a bitter enemy of the town and Puritans as rather inclined the Popish way. This man's character and all his story I had learnt of them. At dinner the Bailiffs sat at the table's end; Sir Harry Spiller and myself, opposite to one another, sat near them, but one betwixt. Sir Harry began the dinner with all the affronts and dislikes he could put on the Bailiffs or their entertainment, which enraged and discountenanced them and the rest of the town that stood behind us; and the more, it being in the face of the best gentlemen of the country, and when they resolved to appear in their best colours. When the first course was near spent, and he continued his rough raillery, I thought it my duty eating their bread to defend their cause the best I could, which I did with so good success, not sparing the bitterest retorts I could make him, which his way in the world afforded matter for, that I had a perfect victory over him. This gained the townsmen's hearts, and their wives' to boot; I was made free of the town, and the next parliament, though absent, without a penny charge, was chosen Burgess by an unanimous vote.*

During this time of my youthful days and pleasant

* For the parliament which met in April 1640, the fourth parliament of Charles I., which sat only three weeks, and is called the Short Parliament. See the Autobiography which follows, p. 40.

humour I had one accommodation which was very agreeable, a servant that waited on me in my chamber, one Pyne, a younger brother of a good family, every way of my shape and limbs and height, only our faces and the colour and manner of our hair was not alike; mine was then a flaxen inclined to brown, soft, and turning at the ends; his was dark brown, thick, bushy, hard, curled all over. My stockings, shoes, clothes, were all exactly fit for him; my hat, though my head was long and big and his round and little, yet he wore his hair so long and so thick that it served him reasonably well, that being the only part of my clothes that he could not buy and fit me by his own trial. His great felicity was to wear my clothes the next day after I had left them off, so very often appearing in the same suit of clothes I had worn the day before. He had a strong mechanic genius, he quickly learnt to trim me, and all the art of any tradesman I used, but especially he was an excellent sempster; he sewed and cut out any linen for men or women, equal if not beyond any of the trade, and he never went without patterns of the newest fashions; and, as soon as I alighted at any place, I was hardly in the parlour before my man had got to the nursery or laundry, and, though he was never there before, his confidence gave him entrance, and his science in that art they had most use of gave him welcome, and his readiness to teach and impart his skill and to put them and their ladies into the newest fashions gave him an intimacy especially with the most forward and prating wenches, those he expected his best return from, which was besides the usual traffic and commerce of kisses (the constant trade betwixt young men and women,) the intelligence of all

the intrigues of the family, which he with all haste conveyed to me, and I managed to the most mirth and jollity I could. My skill in palmistry and telling fortunes which for my diversion I professed, was much assisted by this intelligence, and gave me choice of opportunities which some would have made worse use of than I did.

Thus I have set down my youthful time. What follows is a time of business which overtook me early, and the rest of my life is not without great mixtures of the public concern, and must be much intermingled with the history of the times, and therefore it will be necessary to give you a state of them as they then stood in the beginning of the year 1639.

Our Reformation in England was begun by Henry the Eighth, a vigorous and haughty prince, who found himself affronted by the Pope, and, resolving to revenge it, cast off his power, and made himself head of the church and was by act of parliament acknowledged to be so as of ancient right, and as annexed to his imperial crown and dignity, and that the names of spirituality and temporality were but terms that did distinguish his people, which under him made but one body; and that the king might by his letters-patent nominate and present bishops without any other election: that all ecclesiastical laws, canons, and constitutions that are not expressly founded in God's word, are but human laws and may be altered, enacted, or dispensed with as shall seem meet by the King and his two houses of Parliament. The next thing he attempted was to pull down the abbeys and priories, wherein he disbanded the greatest and surest

strength the Pope had, they being his creatures and vassals. Besides, with their estates he secured the nobility and gentry to him and his design. Edward the Sixth, his son, reformed the doctrine; his first act of parliament introduces communion in both kinds, his second act enables the King without election to constitute archbishops and bishops. In his third year he establishes by act of parliament a new liturgy in the English tongue, which being drawn up by men of great moderation and prudence, they retain as much of the old service and mass-book as would agree with the true doctrine and the scriptures, not affecting a departure from what was before without evident and convincing reason, that they might give just scandal to none, but invite all to embrace the truth now in following the footsteps of the Apostles amongst the Jews. The chief of them, being Archbishop Cranmer and other eminent divines, in answer to certain queries the King put to them at Windsor, declare under their hands and seals that bishops and priests were not two things, but both one office in the beginning of Christ's religion; that there needeth no consecration by the scriptures, for election or appointing thereunto is sufficient; that Christian princes may make or appoint a bishop or a priest, and that the people formerly did elect or appoint them; that the bishops or priests cannot excommunicate where the law forbids, and that such as be no priests may, when the law allows them thereunto.

This glorious Reformation was hardly settled, when Queen Mary succeeds her brother and makes a furious bloody and violent return of all things to the Romish

Church; only the church-lands were refused by the nobility and gentry to be restored notwithstanding.*

* The fragment here ends. It is possible that the two short passages printed later from Lord King's Life of Locke referring to events in 1640, and the small fragment, also printed later, of a narrative unquestionably composed by Shaftesbury of events immediately preceding the Restoration, may have formed parts of a continuation of this Autobiography; but I am inclined to think that this Autobiography was not written any further. Mr. Martyn refers to characters written by Shaftesbury of Charles II, the Duke of York, the Duchess of Portsmouth, and the Lord Treasurer Danby, as if they were fragments of this Autobiography. (Life i. 12). These are in a paper of Shaftesbury's, complete in itself, headed "The Present State of the Kingdom at the opening of the Parliament, March 1679." This paper will be printed in this work in its proper place in chronological order. It is to be lamented that this Autobiography, so interesting in its commencement, which Shaftesbury sat down in old age to compose in order to place before posterity his own statement of the motives which animated his long, various, and stormy career, should thus terminate when the public interest of his life begins. The history of Shaftesbury's youth furnishes some means of illustrating his character. An orphan at the age of nine,—at war while a boy with the injustice of relations,—having inherited in childhood a title which was then a considerable distinction, and growing up to be the possessor of a large estate, — with no father's authority to control or mother's love to render gentle guidance, Sir Anthony Ashley Cooper grew up to manhood under circumstances which may serve to explain something harsh and jarring in the character and course of the Earl of Shaftesbury.

II. AUTOBIOGRAPHICAL SKETCH AND DIARY. 1621—1650.*

Sir Anthony Astley† Cooper baronet was born at St. Giles Wimborne in the county of Dorsett, A.D. 1621, on the 22nd day of July, early in the morn, being the eldest child then living of his father and mother.

* Almost the whole of this Life and Diary is printed from an original manuscript of Shaftesbury, which goes as far as December 29, 1648, p. 81. The small remainder to July 1650 is printed from a copy at St. Giles's. The reader will see at p. 54 that the autobiographical sketch which precedes the Diary, was written in January 1646. Some new information as to Shaftesbury's early history is derived from this piece. It gives a modest and seemingly truthful account of his early relations with Charles I. and of his leaving the King's party for the Parliament. It also gives some interesting details as to his military services for the Parliament, and shows that, after he had ceased to act as a military commander, he continued to adhere to the cause, serving in his counties in administering justice and on various Committees. It also shows that after the execution of the King he accepted the republic and took the engagement. The meagreness of the Diary is much to be regretted. The period over which it extends, from 1646 to 1650, is full of historical interest; for those years witnessed the entire defeat of the royal cause and disruption of the victorious parliamentary party, the humiliation of the Presbyterians by the Independents and of the Parliament by the army, the consolidation of Cromwell's power, the execution of the King, and the establishment of a commonwealth, without King or House of Lords, under the supremacy of the miserable remnant to which military violence had reduced the House of Commons, and which history has branded with the nickname of the Rump. It is indeed to be lamented that Shaftesbury's diary for this period should be nothing but the most meagre chronicle of visits, journeys, domestic incidents and money transactions.

† Spelt Astley always by Shaftes-

He was nursed at Cranborne by one Persee, a tanner's wife.

At six years old he lost his grandfather, Sir Anthony Astley. Presently after this, his father falling sick of the small pox, he and his brother and sister, George and Philippa, he above four years younger and she just two years younger, were removed to Rockborne, a house of Sir John's in Hantshyre. His father recovering, his mother fell sick of the same disease and died, upon which the children were again removed to Whitsbury,* a house of Sir John's in the same county. Within two months after they were again removed to Giles Wimborne, where they continued above a year, when Sir John, marrying the Lady Morrison, widow to Sir Charles, and eldest daughter and co-heir to the Lord Viscount Cambden, they were removed to Cashiobery in Hartfordshyre, where they continued two years; only one summer Sir John and his whole family dwelt at Giles Wimborne.

Sir John Couper, at the two years' end dying of a consumption, left his eldest son to Sir Daniell Norton, a kinsman, and Mr. Tooker, his brother in-law; so that he was removed to Southwicke in Hampshyre, Sir Daniell's house, where he dwelt five years, only divers times he went with Sir Daniell to London.

bury in this manuscript. The name of the Norfolk family of Astley is frequently spelt Ashley in books of the time, as in Ludlow and Clarendon. Hence confusion has in one instance arisen between Sir Anthony Ashley Cooper and Sir Jacob Astley. See p. 26. The name Cooper is once spelt Couper in this manuscript, and once Cowper; and I have seen it spelt both ways in other papers. The Earls Cowper descend from an intimate friend of Shaftesbury in later life, but apparently no relation, Sir William Cooper, whose name was always spelt Cooper.

* Whitsbury, Whichbury, also often spelt Whitebury.

Mr. Guerden, a fellow of Queen's College in Cambridge, since doctor of physic in London, was his tutor at Giles Wimborne and Cashiobery. But Mr. Fletcher was his tutor the first four years at Southwicke, and the last year one Mr. ——,* of Oriell College in Oxford, a master of arts.

Sir Daniel Norton dying, he removed from thence to his uncle Tooker's house at Sarum, where and at his said uncle's house at Madenton he lived one year.

Then, being sixteen years old, he went to Oxford, where he was of Exeter College, Doctor Prideaux, then rector of the College and doctor of the chapel, since Bishop of Worcester, being his tutor, and Mr. Hussey, since minister of Hinton Martin, being his servitor.

He went from Oxford but a little before his marriage, which was on Shrove Monday, being the 25th February, 1638,† he being under the age of eighteen, to Margarett, the daughter of Thomas Lord Coventry, keeper of the Great Seal, a woman of excellent beauty and incomparable in gifts of nature and virtue.

After his marriage, he lived with the Lord Keeper at Durrham House and Canbury, till the Lord Keeper's death, which was in January 1639,‡ after which my lady kept the house a year at these two places.

In March, 1640, he was by a general and free election of the town of Tewkesbury chosen their first burgess for the parliament, in which short parliament he served them faithfully.‖

* There is a blank for the name in the manuscript.

† February 25, 1639.

‡ January, 1640.

‖ By first burgess is meant first on the return of two members. The election for Tewkesbury was with the magistrates and all inhabitants paying scot and lot, and the number of electors would have been

For this happy parliament, which was called the latter end of the same year, he was chosen a burgess for Downton in Wiltshyre, in the place of Mr. William Herbert, second son to the Earl of Pembrooke, who was chosen knight also of a county in Wales; Mr. Gorge, eldest son to the Lord Gorge,* was also returned; but at

probably about four hundred. This parliament met April 13, and was dissolved on May 5, 1640. This was Charles I.'s fourth parliament, and eleven years had passed since he dissolved his third parliament in anger. The long interval had been marked by many arbitrary acts of power and great discontents. The formidable appearance in arms of the Scotch Covenanters now obliged Charles to call a parliament. The Privy Council had unanimously advised it; yet the king would not adopt their advice, until every member of the Council had promised to support him in extraordinary ways of raising money, if the parliament proved untoward (Secretary Windebank to Sir A. Hopton, Dec. 13, 1639, in Clarendon State Papers ii. 81.) Charles was very soon convinced of the untowardness of the parliament. He endeavoured to obtain an immediate supply, promising to allow the parliament to continue to sit for the discussion of grievances. The House of Commons however insisted that grievances should first be discussed. The parliament was dissolved in three weeks. There is no sign of Sir A. A. Cooper in the Journals, nor in the accounts which we have of the debates, of this short-lived parliament. He was under age; but it was common at that time for minors to sit in parliament, though contrary to law. At one time, in James I's reign, there were counted forty members under age, some of them being only sixteen. The poet Waller sat in the House of Commons, when only sixteen. Monk's son is said to have been only fourteen when he took part in a debate on Lord Clarendon's impeachment, November 16, 1667, but that he was so young is doubtful. The practice of minors sitting was put an end to after the Revolution by a clause of the Triennial Act, which makes void the election of a person under twenty-one. See Hatsell's Precedents ii. 9. Mr. Martyn says that Sir A. A. Cooper was very diligent in his attendance in this parliament and "every day wrote an account of their proceedings." There is no authority for this statement, and no trace among Lord Shaftesbury's papers of such a journal. Mr. Martyn does not say that he had seen such a journal; had he seen one, he would doubtless have given extracts. The statement is probably one of Martyn's many unaccountable mistakes.

* Lord George, Gorge, or Gorges, of a family anciently established in Wiltshire and Dorsetshire, and the first and last Baron.

the Committee for Privileges it was clearly decided for Sir Anthony, yet no report yet made of it.*

My Lady Coventry leaving off the housekeeping, Lord Coventry and his brother Sir Anthony kept house together in Westminster, at Dorchester house.†

See Banks's Extinct and Dormant Peerages, i. 329, and Hutchins's Hist. of Dorset iii. 30. The name is also spelt George, as by Sir S. d'Ewes.

* This was the famous Long Parliament, which met on Nov. 3, 1640. Sir A. A. Cooper had property in Downton, which is near Wimborne St. Giles and Rockborne The constituency was very small, but returned two members. The return of one, Sir Edward Griffin, was undisputed; for the second seat there was a double return of Sir A. A Cooper and Mr. Gorge, and both petitioned. Sir E. Griffin having adhered to the king, his seat was declared vacant, and a new writ issued in September 1645. Mr. Thistlethwaite was then elected i the place of Sir E. Griffin. Mr. Sanford, who has taken great pains to prepare a correct list of the members of the Long Parliament, has not correctly stated the Downton returns. (Studies and Illustrations of the Great Rebellion, p. 280.) Mr Gorge's petition was referred to the Committee of Privileges, February 16, 1641. (Commons' Journal and Sir S. d'Ewes in Harl. MS. 164, p. 119;) and there is a further entry in the Commons' Journals, February 19, fixing a day for the hearing of the Downton petition. No report was made from the Committee, and there can be no doubt that the report was held back in order to keep Sir A. A. Cooper out of the parliament Sir John Bramston gives a long account of a similar proceeding in the case of his petition for Bodmin, which was decided in his favour in committee, but the chairman, Serjeant Maynard, would never report, so that Sir John was kept out of his seat. (Sir J. Bramston's Autobiography, p. 160.) It is said that Holles interfered against Shaftesbury in this matter (Locke's Works, ix. 271, Martyn's Life 1. 113,) but this is not certain. In 1645, after Sir A. A. Cooper had joined the Parliament's side, and fought for it, he made an attempt to get seated on his petition, but still unsuccessfully. There is an entry in the Commons' Journals, September 1, 1645, that Sir Walter Erle was ordered to report on Sir A. A. Cooper's election, but again no report was made. Ultimately Shaftesbury was admitted member for Downton on his original petition by the Rump after its second restoration in December, 1659.

† I believe that Dorchester house was in Covent Garden.

In 1641 he went to Stow to see his sister, the Lady Hare,* and went through the most part of Norfolk.

1642. He about the end of March removed his lady to Rufford in Notinghamshyre,† and returned to London, and so into the West, and stayed not there, but returned by Croome,‡ in Worcestershyre, where the Lord Coventry then was, to Rufford.

He was with the king at Notingham and Darby, but only as a spectator, having not as yet adhered against the Parliament.‖

Only being named by ordinance a deputy-lieutenant for Dorsett, he returned from Rufford; the whole family removed to Thornehill in Yorkshyre, another house of Sir William Savile's.

From Thornehill, the county being unquiet, Sir Anthony, his lady, the Lady Savile and the Lady Packington, her sisters, removed to Bishop Aukland in Durrham, where they lived some months; only for some weeks they were forced to retire to the city of Durrham and to Newcastle. They lived at Mr. Wrens his house in Aukland parish. From hence in the beginning of February,

* Elizabeth, daughter of first Lord Coventry, married to Sir Thomas Hare bart. of Stow Bardolph, Norfolk, and Sir A. A. Cooper's sister-in-law.

† The seat of Sir William Savile, his brother-in-law, married to a daughter of Lord Coventry.

‡ Croome d' Abitot, the seat of Lord Coventry.

‖ This is an important statement, that he had not yet adhered to the King. It has been assumed that he was an ardent royalist as a member in the preceding short Parliament; but, in the absence of specific information, it is more probable that he acted there with the members who insisted on redress of grievances before granting a supply, among whom were many of moderate opinions, friends of the monarchy, who, when the Civil War broke out, joined the King's side, such as Hyde, Digby, and Colepepper. It would seem from the account in the Autobiography, that the feeling of Tewkesbury was puritan. See p. 33.

the county being much unquiet, the ladies with Sir Anthony took a journey through Stainmore and Westmoreland, Lancashyre, Chessyre, and North Wales, to Shrewsbery; by the way they went through the towns of Kendall, Lancaster, Preston, Lerpoole,* Chester, Wrexham.

At Shrewsbery they lived some weeks, and then removed to Upton Crescett, in the same county, Mr. Crescett's house, where the Lady Thynne, their elder sister, was. From thence after some time they removed to Cause Castle, Sir Henry Thynne's house in the same county.

1643. Sir Anthony left the ladies, and went into Dorsett to his house at St. Giles's Wimborne, where he continued generally till, the Lord Marquess Hertford† coming into the county, he was employed for the treating with the towns of Dorchester and Weymouth to surrender, the commission being directed to him, Napper, Hele,‡

* Liverpool.

† William Seymour, Marquis of Hertford, so raised from the rank of Earl in 1640, great grandson of the Protector Duke of Somerset. Hertford had incurred the anger of James I. by marrying Arabella Stuart of royal blood, and had been committed to the Tower, whence he effected his escape. His wife soon died, and he made a second marriage with a daughter of the Earl of Essex, sister of the first parliamentary General-in-chief. This is the lady mentioned in Shaftesbury's diary. On the breaking out of the civil war, Hertford was appointed Commander-in-chief of the King's western army, but he was soon superseded by Prince Maurice. Hertford's constancy and services to the royal cause were rewarded immediately after the Restoration by his being created Duke of Somerset with a reversal of the Protector's attainder: but he lived only a few weeks to enjoy his new honours. He died in October 1660. There is no pretence for Mr. Martyn's statement that Shaftesbury was a relation of the Marquis of Hertford (Life I. pp. 138, 141.)

‡ Sir Gerard Napper, Nappeir, or Napier, and Sir John Hele or Heal. See Autobiography p. 25.

Ogle, which they effected, and Sir Anthony was by the gentlemen of the county desired to attend the King with their desires and the state of the county.*

Sir Anthony was by Marquess Hertford made go-

* This modest and evidently truthful account of Sir A. A. Cooper's relations with the King's party is in complete contrast with the absurd extravagant statements, to which some have given credence, contained in Mr. Martyn's Life and in the fragment of a Memoir which passes as Locke's. That Locke was the author of this Memoir, which, having been found in his handwriting among his papers, has been printed in his works as his, I cannot think probable. The accounts given by Mr. Martyn and in the Locke Memoir are as follows. Sir A. A. Cooper, being a young man of twenty-two, is represented to have proposed to the King in an interview at Oxford, to undertake the general pacification of the kingdom, if the King would authorize him to treat with the parliamentary garrisons and promise a new and free parliament. The King is said to have observed "You are a young man and talk great things," but to have given Sir A. A. Cooper the authority he desired. All Cooper's plans are represented to have been spoilt by Prince Maurice, and on Cooper's complaining to the King it is said that "the King shook his head with some concern, but said little." It is further stated that, after this first grand project was broken by Prince Maurice, Cooper started another, which was that the counties should all arm and endeavour to suppress both the contending armies, that Cooper brought most of the sober and well-intentioned gentlemen of both sides throughout England into this plan, and that this was the origin of the "clubmen," that Cooper was now so strictly watched by the court, which had become jealous of him, that he could not maintain the necessary correspondence with distant counties; that at this time the King wrote a very complimentary letter begging him to come to Oxford, but that his friends dissuaded him from going, telling him that danger lurked in the King's civility; that Goring, who commanded a force in those parts, had orders to sieze Cooper, that he invited himself one day to dine with Sir Anthony, who upon this took fright and fled to the Parliament's quarters. Most of this is downright falsehood: it is in itself sufficiently improbable that Sir A. A. Cooper, when so young, should have been encouraged in such grand undertakings; and the story abounds in anachronisms. The clubmen, whom Cooper is said to have brought forward, did not appear on the stage before the spring of 1645, more than a year after Cooper had left the King's cause. Mr. Godwin has pointed out this anachronism (Hist. of Commonwealth I. 439 note.) Goring, I believe, had no command in the west at the time when Cooper left the King's cause in February 1644; he had a command there in the following

vernor of the towns of Weymouth and Melcombe and the Isle of Portland and the castles of Sandesfoote and Portland, colonel of a regiment of foot, and captain of a troop of horse.

He raised a full regiment of foot and a troop of horse at his own charge. Some months after this, Marquess

autumn. It will be observed that Shaftesbury in this autobiographical sketch makes no allusion whatever to the clubmen, which is not consistent with his having been the originator of so important a movement. There appear to be two, and only two, facts, on which this superstructure of confused error has been raised; 1st, that Cooper attended the King at Oxford in 1643 with a deputation from his county, and 2nd, that he received a flattering letter from the King shortly before his defection. Another gross historical error appears in a story told for the glorification of Cooper in the Locke memoir, and also told by Mr. Martyn, of his being called by the Parliament as a witness against his old private adversary, Holles. Holles being accused in the House of Commons of having transacted separately with the King when he was sent with other commissioners to Oxford to treat of peace, it is stated that Cooper was called as a witness by Holles's accusers, as he was with the King at Oxford at the time, and that Cooper refused to give any answer and persisted in his refusal, though threatened to be sent to the Tower. Now the separate conversation with the King, which was made a charge against Holles, took place in November 1644, nine months after Cooper had quitted the King's party. In the Memoir in Locke's works, it is mentioned that Holles's separate transaction with the King was on the occasion of the treating at Uxbridge, which was even later, in the beginning of 1645; but this is only one error more. I cannot suppose then that Locke was the author of this Memoir which passes under his name. The account in this Memoir and that of Mr. Martyn evidently proceed from the same source; and that source is probably Mr. Stringer. Locke perhaps copied out this collection of stories relating to Shaftesbury's early life, as he copied out the suppressed passages of Ludlow's Memoirs, in the course of collecting materials for a meditated biography. It is not impossible that Shaftesbury in old age may in conversation with his friends have given a somewhat false colour to the story of his early life; and there is a remarkable passage in Burnet accusing him both of boasting and of disingenuousness in speaking of his relations with Cromwell. (Own Time i. 96.) See the note later on the first of the suppressed passages of Ludlow's Memoirs.

Hertford's commission was taken away, yet Sir Anthony had a continuation of all his commands under the King's own hand, and he was made high sheriff of the county of Dorsett, and president of the council of war for those parts.*

* Clarendon has given many details not here mentioned in connexion with Sir A. A. Cooper's appointment as governor of Weymouth, in his History of the Rebellion, iv. p. 220 and seqq. Much light is also thrown on this incident of Shaftesbury's life by the letter from Charles the First to Hertford, published for the first time in this volume. Hertford had given Cooper a commission as governor of Weymouth, before Weymouth was taken for the King, and Cooper had proceeded to appoint a deputy governor. Weymouth surrendered to the Earl of Carnarvon in August 1643. Prince Maurice had then replaced the Marquis of Hertford in the chief command of the King's western army, and he refused to confirm the appointment of Sir A. A. Cooper. Cooper went off immediately to Hertford who was with the King at Gloucester. Hertford took up the matter warmly, and made it a question of his own honour with the King that his appointment should be confirmed. Cooper also applied to Clarendon, then Sir Edward Hyde, and the King's Chancellor of the Exchequer, for his assistance. Clarendon says, "Sir Anthony came likewise to him (Clarendon) who was of his acquaintance and desired his assistance, that, after so much charge he had been to in the expectation of it and to prepare for it, he might not be exposed to the mirth and derision of the county." Clarendon describes Cooper as "a young man of fair and plentiful fortune, and one who, in the opinion of most men, was likely to advance the place by being governor of it, and to raise men for the defence of it without lessening the army." Hertford and Hyde prevailed on the King, who was unwilling to thwart his nephew Prince Maurice, to confirm Sir A. A. Cooper's commission. Clarendon, speaking of his own good offices, says, "Besides his desire to gratify the Marquis, he did in truth believe it of great importance to his Majesty's service to engage a person of such a fortune and interest so thoroughly in his quarrel as he then believed such an obligation must needs do, the flexibility and instability of that gentleman's nature not being then understood or suspected." It will be seen from the letter of Charles I. to Hertford, that the King confirmed the appointment with a proviso that Hertford should use his influence to procure Cooper's resignation later without giving him offence, that an older and more experienced man might be appointed. Of this Clarendon says nothing; but he says that Hertford

Notwithstanding, he now plainly seeing the King's aim destructive to religion and the state, and though he had an assurance of the barony of Astley Castle,* which had formerly belonged to that family, and that but two days before he received a letter from the King's own hand of large promises and thanks for his service, yet in February he delivered up all his commissions to Ashburneham, and privately came away to the Parliament, leaving all his estate in the King's quarters, £500 a year full-stocked, two houses well furnished, to the mercy of the enemy, resolving to cast himself on God and to follow the dictates of a good conscience. Yet he never in the least betrayed the King's service, but while he was with him was always faithful. The first place he came to of the Parliament's quarters was Hurst Castle, where Captain Buchester was governor. From thence he went into the Isle of Wight, to Portsmouth, Chichester, and London, where he dwelt at Dorchester house in Westminster, and his lady came to him about the middle of March, whom he had not seen in a year before.†

was quite satisfied with the King's decision. There is no inconsistency between Clarendon's account and that given in the text; and there is no reason to impute any untruthful motive to Cooper for the omission in this very brief autobiography of the details mentioned by Clarendon.

* In Wiltshire, whence the Ashleys of Wimborne St. Giles came. See Coker's Survey of Dorsetshire p. 14.

† Compare the notes of Sir A. A. Cooper's statement to the Committee of both Kingdoms, printed further on. It is a common accusation against Shaftesbury that he left the King's party because he was superseded in his commands, or was otherwise slighted, and that wounded vanity operated his conversion. It is clear that he resigned his commands: he stated this before the Committee of both Kingdoms, where, if his statement had been untrue, he would have been instantly put to shame by its disproof. It may be said that Hertford may have induced him to resign in fulfilment of the King's wish expressed when his appoint-

1644. After Weymouth was taken in by the Lord General Essex, the Committee for Dorsett, going into the country, desired Sir Anthony's company with them, which

ment as governor of Weymouth was confirmed: but there is nothing to show that Hertford took any steps to give effect to the King's desire for Cooper's resignation, or that any more thought was taken of it by any one. It is quite clear that Hertford and Cooper were both satisfied with the ultimate confirmation of the appointment. After Cooper was confirmed as governor of Weymouth he was appointed high sheriff of Dorsetshire for the King. The truthfulness of the account in the text, including the statement about the flattering letter from the King, may be relied on. It is clear that, so far from being slighted, Cooper received fresh marks of honour and confidence in the interval between the confirmation of his appointment as governor of Weymouth and his separation from the King, and that he was treated with distinction to the last. Others left the King's party at this very time, alleging disgust at his treaty with the Irish rebels, and the favour shown to Roman Catholics. (Ludlow's Memoirs, i. 116.) Ludlow mentions the Earl of Westmorland and Sir Edward Dering. Lord Inchiquin was another. The moment was critical. The King had summoned his parliament at Oxford in January 1644; the Parliament desired the taking of the Covenant by the first of March. It cannot be said that Cooper deserted the King when his fortunes were low. It appears that Shaftesbury was accompanied in his change of party by his neighbour and friend Sir Gerard Napper. Mr. Arthur Trevor writes to the Marquis of Ormond from Oxford, March 9 1644, "Sir A. A. Cooper and Sir Gerard Napper are both run away to the parliament from their brethren the Commons here." (Carte's Life of Ormond, iii. 254.) This is a royalist who writes, and writes at at the time, but he imputes no bad motive. Clarendon certainly states that Cooper was superseded by Colonel Ashburnham, "and was thereby so much disobliged that he quitted the King's party and gave himself body and soul to the service of the Parliament with an implacable animosity against the royal interest." (Hist. of Rebellion, iv. 496.) But Clarendon wrote long after the event, and with angry feelings towards Shaftesbury, and his accuracy in detail can never be relied upon. It is stated in "Rawleigh Redivivus," that Cooper was affronted by Ashburnham's being sent into Dorsetshire with a commission as governor of the county which over rode his own authority as sheriff; but this is an improbable story, entirely uncorroborated, and the object of the writer of this biography is to prove Shaftesbury an injured man, forgetting that he by the same means helps to prove him resentful and interested.

he did ;* and presently after they drawing in the forces of their county into a body, consisting of seven regiments of horse and foot, gave him a commission to command as Field Marshal General, with which they besieged Wareham, and having received an addition of a thousand horse and dragoons under the command of Lieutenant General Midleton, they starved the enemy out of bestall,† and had the town delivered upon articles.‡

Sir Anthony was employed by the Committee and Council of War to give the House a narrative of it, which he did at the House of Commons bar, and was the same day by an ordinance of both Houses added to the Committee for Dorsett.‖

* Leave was given by the parliament to Sir A. A. Cooper to go down into Dorsetshire July 10, 1644. (Comm. Journ.)

† So in the manuscript.

‡ See the commission printed later. Cooper and Colonel Sydenham besieged Wareham with a force of 1200 horse and foot; Colonel Jephson also acted with them, probably commanding the reinforcement sent by General Middleton. On the 10th of August they stormed Wareham, and after a little fighting the garrison capitulated. The governor, Colonel O'Brien, having heard that his brother, Lord Inchiquin, in Ireland, had gone over to the parliament's side, was unwilling to prolong resistance. Compare Rushworth's Collections, pt. 3, vol. ii. p. 697., Vicars's Parl. Chron. iv. 5., Whitelocke's Memor. p. 98., Comm. Journ. Aug. 14. 1644. It appears from the accounts in Rushworth and Vicars that Colonel Sydenham and Sir A. A. Cooper bore the chief part in the action. Middleton does not appear to have been present at the storming; but the capitulation was signed by him as the senior officer. Jephson wrote a letter to the parliament relating the taking of Wareham and was thanked. (Journals, August 14.)

‖ It is not mentioned in the Commons' Journals that Sir A. A. Cooper attended at the bar to make this statement; but it is recorded that on the 14th of August, 1644, he was added to the committee for governing the army in Dorsetshire, and his case as regards sequestration referred to the Committee at Goldsmiths' Hall. The Committee reported in a few days, recommending that he should be permitted to compound by a payment of £500, and the House immediately adopted the report. This fine does not seem to have been paid. There is a note among the Shaftesbury papers stating that this fine was discharged by Cromwell in 1657.

About the end of September the Committee drew all the forces in Dorsett a second time into a body, consisting of ten regiments of horse and foot, and gave Sir Anthony a commission to command them in chief as general of that brigade,* with which he took in Abotsbury by storm, and in it Colonel James Strangwais ; his whole regiment, all the officers and soldiers, one troop of horse, all prisoners at mercy.† From thence he marched to Sturminster Castle, where Colonel Radford was governor for the enemy, but he quitted the garrison before he could get thither, so that he marched to Shaftesbury, where the enemy were erecting a new garrison, which he forced them to quit also. After this he received orders to attempt the relief of Taunton, and a commission from his Excellency the Earl of Essex to command in chief for that design, which, having received the addition of some forces under the command of Major General Holborn and Commissary General Vaudniss, was by the mercy of God happily effected, and in the way the enemy for fear quitted their garrisons of Shute and Coxum houses in Devon.‡ This was in December.

1645. In May he received divers commissions from

* "Sir A. A. Cooper with 1500 horse and foot from several garrisons took the field to encounter Sir Lewis Dives." (Whitelocke's Memorials. p. 109, October 1644.) See also Vicars iv. 62. See Cooper's commission as commander-in-chief, Oct. 25 1644, printed later.

† See his detailed account of the storming of Abbotsbury, later.

‡ Edmund Ludlow also joined this expedition with two hundred horse from Wiltshire. (Memoirs, i. 135.) Compare Vicars's Parl. Chron. iv. 77, and see Sir A. A. Cooper's report to the Earl of Essex of the raising of the siege, printed later. Coxum or Cokam House is Colcombe, where there had been a castle, an old seat of the Courtenays. It now belonged to Sir John Pole, owner also of the neighbouring house of Shute; they were both near Colyton in Devonshire. See note on Cooper's letter to Essex further on.

the Committee of the West, the chief of which was to command in chief the forces they designed to beleaguer Corfe Castle, which forces he was to receive from Colonel Welden, who then commanded in the west; but when Sir Anthony came into the country, he found Welden blocked up by Goring, so that being not supplied with men he was forced to return.*

In June he went with his lady to Tunbridge, where he for six weeks drank the waters. In September his lady went to Oxsted in Surrey, to her aunt Capell's,† where her mother also was, and they both sojourned there.‡ In

* See the instructions, May 17 1645, printed later. Mr. Martyn states, at variance with the facts, that Cooper successfully accomplished the task, and adds: "Corfe soon surrendered, and received a strong garrison for the parliament, and for the better preservation of the place Sir Anthony threw a troop of horse with a body of foot into Lulworth." (i. 148). This is all misstatement. Corfe did not surrender till April, 1646: Sir A. A. Cooper was not there then; it was surrendered to Colonel Bingham. Mr. Martyn's misstatement is probably owing to his having misunderstood the passage in Cooper's memoranda for the governor of Poole, printed later, where he says, "A few foot in Lulworth with a troop of horse will keep Corfe far better than Wareham." But this means, keep Corfe in check, Corfe being still besieged. The interesting story of the three years' defence of Corfe Castle by Lady Bankes, wife of Sir John, the Chief Justice, has lately been pleasantly told by the late Mr. George Bankes. ("Story of Corfe Castle," 1853.) Sir John Bankes died at Oxford, in forced separation from his brave wife, during the siege, in December 1644. Shaftesbury was in later life the intimate friend of the grandson of the Chief Justice, as will appear from some of his letters to Locke, which will be printed later in this book.

† Lady Capel, a sister of the second Lady Coventry, wife of Sir Henry Capel, knight, of Hadham, Herts. She had been previously married to Sir Thomas Hoskins of Oxted.

‡ No mention is made by Cooper of an attempt made at this time to obtain a report on his election for Downton. The following entry occurs in the Commons' Journals, September 1, 1645, "Ordered that Sir Walter Erle do make the report concerning the election of Sir Anthony Ashley Cooper to be a member of this House on Saturday next." There is no subsequent entry, either of a report, or

October he went down into the country, and sat with the Committee constantly, most commonly as chairman.

In December he was employed by the Committee with Colonel Bingham to the General who lay then at Autree in Devon, to obtain an assistance of force towards the besieging Corff Castle, which they obtained.*

In the end of this month he returned to Oxsted in Surrey.

This was writ in January 1645.†

1646. *January* 1*st*. I was at Oxsted in Surrey the Lady Capell's, whither I came out of the west, 26th December.

5th. I came to London, lodge at Mr. Tarver's in Holborn.

explaining why no report was made. Writs were being issued at this time to fill seats vacant by the expulsion of members who adhered to the King. It is not improbable that the reason why Cooper did not obtain his seat was that he was held incapable of sitting on account of his former adherence to the King. Whitelocke records in his Memorials, September 18 1645, "Sir A. A. Cooper professed his great affection to the parliment and his enmity to the king's party from whom he had revolted; and he was now in great favour and trust with the parliament." It may be presumed that this refers to some declaration made in order to gain admission to sit for Downton.

* See Bankes's Corfe Castle p. 215. Sir Thomas Fairfax was now General in the place of the Earl of Essex, and was now at Ottery St. Mary, Autree, or Ottree, as it is variously written in books of that time, besieging Exeter. (Sprigge's Anglia Rediviva p. 151 and seqq., Bell's Fairfax Correspondence i. pp. 257, 263, Clarendon's History of Rebellion v. 288.) Cooper's mission to Fairfax on this occasion was probably exclusively civil. He probably ceased to act as a military commander after the new modelling of the army which had taken place in this year. He was not included in the new model. It is clear that he did not resent the omission, and he had no cause to do so. It is clear also that he had the confidence of the parliament.

† January 1646. In printing the diary which follows, I for convenience print the years according to the present mode of reckoning.

January 9th. I sealed a new lease to John Bates of his house in Ely Rents for five years more than the twenty-one he had in his former, so that his term is to 1670; this was granted in regard he had built a considerable part of his house new. His rent is £5 yearly.

I sealed another lease to John Hancock, which makes his old term full twenty-one years in another house of the same liberty; his rent £8 yearly. This was freely granted him because he had been an old faithful servant to our family.

15th. I went to Oxsted where my wife has been this half-year.

22nd. I came to London to Mr. Tarver's. I entertained* Henry Shergall again.

24th. I paid Mr. John Collins £100, borrowed of him by a bond dated the 5th day of August 1645, and had the bond delivered up, which was by me cancelled: and £4 for half a year's interest.

The aforesaid £104 *was paid the day above-said by me for the use of my master,*

John Round.

31st. I went to my aunt Capell's at Oxsted, where my wife has been this half-year.

February 4th. I came from Oxsted to London to Mr. Tarver's in Holborne. My cousin Norton came to my house at Holborne the 2nd day.

6th. Mr. George Skutt the elder of Poole had a bill from me to James Percivall for £5, which he affirmed he lent me formerly, so that I owe him nor his sons nothing.

* "Entertained," took into service.

The 5th day I had a nerve and vein cut by Gell, two more for which I was forced to keep my chamber twelve days.

February 9th. Mr. Skutt had a bill of exchange on James Percival for £100, which I received.

12th. I had another nerve and vein cut.

18th. I went to Aldenham in Hertfordshyre to Sir Job Harbye's.

20th. I went to Northampton from Aldenham.

21st. I went to Warwicke to my Lady Rous* for my wife's jewels, which I had of her.

24th. I returned to Nowport Pagnall.

26th. I returned to Aldenham to Sir Job Harbye's.

I went to see Latimers and Cheynes in Buckinghamshyre, but returned to Aldenham.

March 2nd. I went from Aldenham to Kenton Park in Middlesex, Mr. Carre Rawleigh's house.†

* The wife of Sir Thomas Rous, bart, of Rous-Lench, Worcestershire, and daughter of Sir John Ferrers of Tamworth Castle, Warwickshire.

† Carew Raleigh had married the widow of Sir A. A. Cooper's grandfather, Sir Anthony Ashley. See p. 4. Some interest attaches to him as the son of Sir Walter Raleigh. Short notices of him will be found in Prince's Worthies of of Devon in the biography of Sir Walter, and in Wood's Athen. Oxon. ed. Bliss. ii. 244. He was a member of the Long Parliament; he began as a royalist, but afterwards left that party; he was a member of Richard Cromwell's parliament 1658-9, and was appointed governor of Jersey by Monk. He was a man of no remarkable ability or reputation. He is lampooned with Cooper and Wallop in a royalist satire on the Rump, printed in a "Collection of Loyal Songs &c." 1731, vol. ii. p. 57.

"Ashley Cooper knew a reason
That treachery was in season,
When at the first he turned his coat
From loyalty to treason.

And gouty Master Wallop
Now thinks he hath the ballop,
But though he trotted to the Rump,
He'll run away a gallop.

March 5th. I came from Kenton Park to London to Mr. Tarver's.

7th. I went to Oxsted and delivered my wife her jewels.

10th. I came to London to Mrs. Tarver's.

14th. I went to Oxsted to my wife.

17th. I came to London to Mrs. Tarver's.

21st. I came to Oxsted in Surrey.

23rd. I came to London to Mrs. Tarver's.

I and Mr. Matthew Hopkins signed and sealed interchangeably articles concerning my plantation in the Barbadoes, for which he is my agent.

26th. I went to Guildford, being part of my journey into the West to the quarter sessions in Dorsettshyre.

27th. To Winchester.

28th. To Allhollowes Wimborne, Walter Goddard's.

30th. To Salisbury, my uncle Tooker's, and in the way I was at Damerham Parva at my court-keeping.

31st. I came to Walter Goddard's at Allholland.

April 1st. I was at the Court at Hinton Martin, and viewed Holt forest inclosures. Henry Andrews of St. Giles Wimborne and William Cutler of Gussage, two boys of fifteen years old, bound themselves to me for seven years for the Barbadoes, to give them £5 a piece at the term's end.

I came to Wimborne to Mr. John Hannam's.

2nd. I went to Rockborne to meet Mr. Carre Rawleigh, and came back to Allholland to Walter Goddard's.

There's Carew Raleigh by him,
All good men do defy him,
And they that think him not a knave,
I wish they would but try him.

Carew Raleigh died in 1667, leaving no son. He was buried at West Horsly in Surrey with his father's head in his coffin. See Cayley's Life of Sir Walter Raleigh, ii. 215.

April 6th. I came to Dorchester to the quarter sessions, lodged at Will. Patye's house.

7th. We began the quarter sessions, which was this time kept at Dorchester, and not at Sherborne, for security. The justices present were Mr. Whitaker who gave the charge, myself, Mr. Erle, Mr. Browne, Mr. Grove, Mr. Chettle, Colonel Sidenham, Mr. Robert Coker, Colonel Butler, Colonel Brodripp, Mr. Hussey, Mr. Floyre, Mr. Savadge.

8th. We ended the sessions. Nine hanged, only three burnt in the hand.

9th, 10th. We sat* at the Committee.

11th. We sat in the Shire hall at Dorchester, by the ordinance for punishing pressed soldiers that run away of the 15th of January last; when three were condemned to die, two to run the gantelope,† two to be tied neck and heels, one to stand with a rope about his neck. The judges were Sir A. A. Cooper, Mr. John Browne, Colonel Sidenham, Lieut. Colonel Coker, Mr. Savage, Mr. Christopher Erle, Colonel Herbert, Lieut. Colonel Cary, Major George Skutt, Major William Skutt, Major

* This word is always spelt *sate* by Shaftesbury, the usual spelling of the time.

† Gantelope, so spelt in the manuscript. This was a military punishment, said to have been introduced with the word, from Holland. Dr. Johnson gives the form of spelling *gantelope*, and derives the word from two Dutch words *gant*, all, and *lopen*, to run. Another derivation which has been suggested is from *Ghent*, the name of the town of Flanders where it is supposed that the punishment was invented, and the same verb *lopen*. See Notes and Queries, 2nd ser. viii. 132. An instance of the old form of spelling *gantelope* is given in Todd's edition of Johnson from a sermon of the latter part of the seventeenth century. The punishment was running between two ranks and being lashed by each man on both sides. Gantlet, from gantelope, and gantlet, a glove, from the French, are, it would appear, two distinct words.

Jerdan, Colonel Butler, Captain Arney, Captain Gulson, Captain Woodward, Captain Gold, Captain Batten, Captain Henry Culliford, Captain William Culliford, Captain Yeardly, Captain Wase, Captain Bachelor of the army; Mr. Loder Judge-advocate.*

April 13*th.* We sat at the Committee.

14*th.* I and Mr. Thomas Erle went and dined with Mr. Churchill at Muston; from thence we went to Grange to Sir Gerard Naper's.

15*th.* I came to Allholland to Walter Goddard's.

21*st.* I went to Wimborne to a petty sessions, with Mr. Erle, Mr. Chettle, Mr. Hannam.

22*nd.* I went to Grange to Sir Gerard Napper's to meet my brother John.†

23*rd.* I came to Blandford, whither the Committee was adjourned from Dorchester, Mr. Sheriff, Mr. Erle, Colonel Butler, Mr. Elias Bond, Mr. Chettle, Mr. Joy. The sequestrators of Blandford were ordered to pay Mr. Chettle £20, Mr. Bond £10, which was borrowed of them by the Committee, and for which Colonel Bingham and I gave our bills.

24*th.* We sat at the Committee at Blandford.

25*th.* I sat at the Committee in the morning, but in the afternoon I went to Allholland.

27*th.* I went to Blandford to the Committee, and returned in the evening to Allholland.

28*th.* I went to Tollard to Mr. Plott's, and met Mr. Erle and Mr. Grove.

* The names are sometimes very difficult to read in this manuscript, and I cannot be sure that they are always correctly given.

† John Coventry, the eldest son of the Lord Keeper by his second wife.

April 29*th.* We all went to Salisbury.

30*th.* We all went to Farnham in Surrey.

May 1*st.* I and Mr. John Ryves came to Oxsted in Surrey.

4*th.* I came to London to Mr. Tarver's.

9*th.* I went to Oxsted.

13*th.* I came to London to Master Brough's in the Strand. My Lady Coventry and my wife came with me.

16*th.* I sealed a bond of £1000 to Noell the scrivener, to pay the bills of exchange of Hopkins from the Barbadoes to the value of £500.

18*th.* I gave my servant, James Percivall, two bonds wherein he owed me £70, this for his losses in coming in with me to the parliament.

28*th.* I removed my lodging to my cousin Day's in Axe Yard, Westminster, my wife and her mother being gone out of the town.

30*th.* I went to Oxsted.

This month I borrowed £100 on interest of Mr Browne, Mr. Collins and myself bound.

I borrowed this month another £100 of Mr. Strong without bond. But he has bond since.

June 8*th.* I came from Oxsted to London to my cousin Day's house.

12*th.* I went to Oxsted.

16*th.* I came to London to my cousin Day's house.

20*th.* I went in a coach with Sir John Packington and my brother, John Coventry, to Oxsted.

22*nd.* I came to London with them, and lodged at Mr. Bowes his house near Strand bridge.

25*th.* I went to Oxsted.

July 1*st*. I and my wife came to London to our own house in Holborne.

7*th*. I and my wife went to Oxsted.

9*th*. I dined at Limsfield with Sir Edward Gresham; there dined Sir John Eveling* of Godstone and his lady.

10*th*. I went to Somerhell to see my Lady Marquess Hertford, and lay that night at Tunbridge.

11*th*. I returned to Oxsted.

14*th*. I came to London to my house.

16*th*. I returned to Oxsted.

20*th*. In the afternoon I went with my Lady Capell, my cousin Edmund Hoskins and his wife, to Limsfield, to Sir Edward Gresham's, and to Titsey to my Lady Gresham; but we all returned at night.

22*nd*. In the afternoon, I and my cousin Charles Hoskins went to Crauherst to Mr. Angell's, but returned at night.

27*th*. My wife miscarried of a boy. She had gone twenty weeks; her brother John in jest threw her against a bedstaff, which hurt her so, that it caused this.

30*th*. I went to my house in London.

31*st*. I returned to Oxsted.

August 6*th*. I went from Oxsted to Farneham, being my first day's journey westward.

7*th*. I went from Farneham to Salisbury.

8*th*. I went with Mr. Thistlethwait, the High Sheriff, to meet the Judges, Judge Roles† and Serjeant

* Sir John Evelyn, cousin of John Evelyn of Wotton, whose Diary and other writings are well known.

† Judge Rolle, as the name is usually spelt, had been made a Judge of the King's Bench in 1615, and was made Chief Justice of the same court in 1618. He was a zealous parliamentarian, and was

Godbolt,* who were the two Judges for this circuit.

August 10*th*. I sat with Judge Godbolt on the Crown side, being the only justice there besides the Judge and clerk of assize in the commission of oyer and terminer. I was sworn this day a justice of the peace for the county of Wilts before Mr. Turner. The justices present this day were Mr. William Eyre the younger, Mr. Edward Tooker, Mr. Bennett, Mr. Joy, Mr. Hussey, Mr. Giles Eyre, Mr. Turner, Mr. Dove, Mr. Barnaby Coles, Mr. Francis Swanton. I am in commission for oyer and terminer this whole circuit.

11*th*. Sir John Danvers† came and sat with us. Seven condemned to die, four for horse stealing, two for robbery, one for killing his wife; he broke her neck with his hands, it was proved that, he touching her body the day after, her nose bled fresh; four burnt in the hand, one for felony, three for manslaughter; the same sign followed one of them of the corpse bleeding.

one of the six Judges who accepted a commission from the commonwealth, after the King's execution. He was one of the two Judges seized in their beds at Salisbury, in the royalist rising headed by Penruddock in 1655, and had then a narrow escape of his life. He resigned his chief justiceship in 1655, to avoid a conflict with Cromwell. He died July 30th, 1656, at the age of sixty-seven. (Foss's Judges of England vi. 472, Noble's Cromwells, i. 430.)

† Serjeant Godbolt was made a Judge of the Court of Common Pleas, April 30, 1647. He died in 1648. He took no active part in politics. (Foss's Judges vi. 318.)

* Brother of the Earl of Danby, who is mentioned at p. 8. Though under personal obligations to Charles I., he from the first took a zealous part against him, and was ultimately one of those who sat in judgment on him and signed the warrant of death. Lord Danby, who died without children in 1644, had marked his anger against his brother by leaving his estate to a sister. Sir John Danvers obtained from the Parliament a reversal of this will. He died before the Restoration. (Noble's English Regicides, i. 163.)

August 12*th.* I and the Sheriff of Wilts begged the life of one Prichett, one of those seven condemned, because he had been a parliament soldier. I waited on the Judges to Dorchester.

13*th.* I sat with the Judges at assizes. Judge Roles gave the charge. Justices present, myself, Sir Thomas Trenchard, Mr. Thomas Erle, in the commission of oyer and terminer; Mr. John Trenchard, Colonel Bingham, Colonel Sidenham, Colonel Coker, Colonel Butler, Mr. Chettle, Mr. Hannam, Mr. Hussey, Mr. Gallop, Mr. Savadge, Mr. Brodrip.

14*th.* The assizes continued; five condemned to die two women for murdering their children, one of them a married woman, one for murder, one for robbery, one for horse stealing; three burnt in the hand, one for manslaughter, two for felony. Chibbett condemned for horse stealing; we the justices begged his reprieve, he having been a faithful soldier to the state.

15*th.* I waited on the Judges out of Dorchester swore two of the committee for accounts, being a commissioner nominated for that purpose. I sat at the Committee; we were a full Committee, Sir Thomas Trenchard, Mr. John Trenchard, Colonel Bingham, Colonel Sidenham, Mr. Chettle, all parliament men, being present. I got the parsonage of Abers for the repair of Harnham bridge at Salisbury.

17*th.* I went to Wimborne to my cousin Hannam's.

I met my cousin Earle and divers other gentlemen at Brienston bowling green, where we bowled all day, and in the evening Mr. Earle and I went to Tollard, to Mr. Plott's.

August 18*th.* We went to Cobley Walk to course. I lay at the Falcon in Blandford this night, being going to Grange.

19*th.* I went to Grange and lay there.

20*th.* I came to Allholland to Walter Goddard's.

24*th.* I met at Brienston Bowling Green, and returned to Allholland.

27*th.* I met my cousin John Hannam and Mr. John Tregonwell jun., at the Vine against Frampton's house, beyond the bridge at Blandford. I there declared to them and Frampton, who was sent to me from his mother, that I would not meddle in my cousin Frampton's trust as a trustee.

28*th.* I came to Madenton in Wiltshyre to see my uncle Tooker.

31*st.* I went to Stocketon to Mr. Topp's to dinner, but returned. I there sealed two bonds of £500 each for my brother John Coventry, himself and Sir Gerard Napper bound with me, one bond to Mr. John Foyle, the other to Mr. William Whitaker of Shaftesbury, payable 1st of March next.

September 1*st.* I came to Salisbury to a petty sessions; myself, Mr. Tooker, Mr. Bennet, Mr. Eyres of White parish, justices present.

2*nd.* I came to Allholland to Walter Goddard's.

3*rd.* I went to Dorchester and sat at the committee, lay at Will. Patye's

4*th.* I sat at the committee in the morning, and went in the evening to Sir Gerard Napper's to Grange.

5*th.* I met the Eastern committee at Blandford, and came to Allholland to Walter Goddard's at night.

7*th.* I dined at Salisbury, and came to Winchester to bed.

September 8*th.* I came to Guildford.

9*th.* I came to Oxsted in Surrey.

10*th.* I came to my house in Holborne where my wife and her mother were.

26*th.* I sealed a bond of £200 for my brother John Coventry, payable the 1st of November, to one Mr. Rice, a woollen draper in Paul's Church Yard. For this and the two former bonds I have counter bonds from my brother.

28*th.* I came to Hartford bridge.

29*th.* I came to Salisbury, by the way I went to Weyhill fair.

30*th.* I came to Walter Goddard's at Allholland Wimborne.

October 1*st.* I went to Shaftesbury to the council of war for Massey's brigade, and got them removed out of Dorset.* I lay at Shafston.

2*nd.* Colonel Fitzjames, Colonel Cooke and I went a hunting in Rushmore Waste; we dined at Tollard at Mr. Plott's. I came home to Allholland.

* Compare Ludlow's Memoirs, i. 181. The parliament had ordered that this brigade should be disbanded, and it was endeavoured to get as many of the men as possible to enlist to serve against the rebels in Ireland. Ludlow and Alderman Allen, members for Wiltshire, acted in that county to execute the parliament's orders. Ludlow says, "Though many of that brigade were glad of the opportunity to return home to their several callings, having taken up arms and hazarded their lives purely to serve the public, yet divers idle and debauched persons, especially the foreigners, amongst them, not knowing how to betake themselves to any honest employment, endeavoured to stir up the brigade to a meeting; but not being able to effect that, some of them listed themselves to serve against the rebels in Ireland under Sir William Fenton and others there present to receive them, for which we had instructions from the parliament; the rest dispersed themselves and returned home."

October 5th. I came to Salisbury.

6th. I came to Marleborough to the quarter sessions, where Mr. Hussey, judge,* myself and Mr. William Eyre the younger, Edward Tooker, Francis Swanton, George Joy, Mr. Bennet of Norton, Mr. How of Berwick were justices.

7th. We sat at the quarter sessions all the day.

8th. I sat at the quarter sessions part of the morning and went afterwards to Purton.

12th. I came from Purton to Marleborough, lay at the Bear.

13th. I came to Salisbury, lay at my uncle Tooker's.

11th. I came to Allholland Wimborne, to Walter Goddard's.

20th. I came to Salisbury, lay at my uncle's, being in my way to London with my sister Philippa Cowper.

21st. I came from Salisbury to Basingstoke to Mr. Spittle's.

22nd. I came to Stanes to the Vine at the bridge foot.

23rd. I came to my house in London in Holborne, next Hatton house, where my wife was.

This month I lent my dear friend and kinsman, Mr. Thomas Earle, £100 on his note.

November. Mem: This month the bond I stood bound with my brother John Coventry for £200, borrowed in September last, to one Mr. Price is paid and cancelled.

Mem: The bond Mr. Collins stood bound with me for £100, borrowed in May last, to one Mr. Browne, is paid and cancelled.

Mem: The note wherein Colonel Bingham and I

* By judge is meant chairman of the court of sessions.

stand engaged to Mr. Chettle for £20, which Colonel Bingham had for the service at Corfe, is acknowledged by Mr. Chettle to be satisfied.

My coachman, Anthony, was entertained by me the middle of this month.

I was bound with my brother John Coventry for £200 to Mr. Browne. Mr. Collins was bound with us, who had my brother's and my counter bond, and I my brother's.

December. I was by both houses of Parliament made High Sheriff of the county of Wilts.*

I was by ordinance of Parliament made one of the Committee for Dorsett and Wilts for Sir Thomas Fairfaxe his army's contribution.

Mr. William Eyres, a bencher of Lincoln's Inn, died, a special friend of mine, and made me one of his executors in trust and gave me £10 in plate.

16*th.* I and my wife and sister removed from my house at London towards Salisbury and came to Egham.

17*th.* We came to Basingstoke.

18*th.* We came to my house at Salisbury. I rented Mr. Hyde† his house in the Close next to the Deanery.

1647. *January* 28*th.* I went towards London, lay at Basingstoke.

29*th.* I came to London to my house in Holborne.

February 17*th.* I came from London to Egham.

18*th.* I came to Andover.

* Leave was given him to reside out of Wiltshire during his shrievalty. See Commons' Journals, Dec. 1. 1646, Jan. 6. 1647. In some biographies Sir A. A. Cooper is said to have been sheriff of Norfolk in 1646; but this is a confusion with Sir Jacob Astley, who was the King's sheriff of Norfolk in that year.

† Probably Robert Hyde, cousin of Lord Clarendon, who was Chief Justice of the King's Bench in Charles II.'s reign.

19*th*. I came to my house in the Close at Sarum.

This term I had up and cancelled my bond of £1000 which I entered into to Mr. Noell the 16th of May last, for the payment of such bills of exchange as should be charged from Hopkins in the Barbadoes.

February 22*nd*. I went to Gyles Wymborne to my house, and came back at night.

March 13*th*. The Judges came into Salisbury, Justice Roles and Serjeant Godbolt. They went hence the 17th day. I had sixty six men in liveries, and kept an ordinary for all gentlemen at Lawes his,* four shillings, and two shillings for blew men. I paid for all. There were sixteen condemned to die, whereof fourteen suffered. George Philips condemned for stealing a horse; I got his reprieve, and another for the like offence was reprieved by the judge. There were more burnt in the hand than condemned.

29*th*. My wife miscarried of a child she was eleven weeks gone with.

This month I raised the country twice, and beat out the soldiers designed for Ireland, who quartered on the county without order and committed many robberies.†

* So in the manuscript; Lawes's.

† Some of these proceedings perhaps gave rise to a petition which led to a debate about Sir A. A. Cooper in Cromwell's parliament of 1656 thus reported by Burton (Diary i. 204. Dec. 22 1656.) "The petition of Captain John Arthur was read. He hath done good service; first took up arms in Dorset, till betrayed and taken prisoner by Sir Anthony Ashley Cooper. Hath laid out £2000 and odd, which he borrowed, and pays interest for it at eight per cent., which comes by single interest to £1500. He is threatened daily to be arrested for the sums aforesaid, being unable to pay them.—*Mr. Bond.* The Committee of Dorset gave him public faith for it. *He is very poor*, and hath suffered much for you. I desire it may be referred to the Earl of Salisbury's Committee. —*Captain Baynes.* I am against the petition, and all of this kind, for the poor people's sakes, who increase their charge by staying here, and undo whole families, as in the Long

April 5th. I went to Glastenbury in Somerset, in my way to Pawlett.

6th I came to Pawlett.

7th and 8th. I kept my court there.

9th. I came to More Critchell in Dorset, to Sir Gerard Napper's.

10th. I came home to Salisbury.

22nd. I went with Colonel Kern to More Critchell, Sir G. Napper's.

23rd. I returned to Sarum.

24th. I was bound in three bonds for my brother, John Coventry: 1st. to Gyles Eyre of White parish in the county of Wilts esquire for £150, we two only; 2nd. to Dorothy and Anne Aubery, daughters of William Aubery of Meer in Wilts esquire, for £390, we two alone; 3rd. to Henry Whitaker of Shafston in Dorset esquire for £500, we two and Sir Gerard Napper. For all these I have his counterbond.

30th. I and my wife and sister went to Gyles Wymborne, and lay at Walter Goddard's at Allholland Wimborne.*

Parliament. I know you are not able to satisfy them.—*Mr. Robinson.* Sir Anthony Ashley Cooper, by whom this gentleman suffered, may satisfy him, for we are not able at at present to do it. We shall put the poor people to charge by attending, and do them no good. I wish it were referred to the gentlemen that serve for Dorset, to find out a way to satisfy the petitioner.—*Mr. Butler.* Sir Anthony Ashley Cooper has done you good service, and the petitioner doth not say his sufferings were by him." Here the matter seems to have dropped. Cooper, having been elected a member of Cromwell's parliament of 1656, was on its meeting excluded by the Council of State with a number of other members; and this little debate was during his forced absence.

* This Diary entirely eschews political events, and we have no other information about Shaftesbury after the close of his military service for the Parliament until two years after the date at which the Diary ends.

May 1*st*. We dined at More Critchell at Sir Gerard Napper's.

2*nd*. We returned to Sarum.

4*th*. I lay at Hartford bridge on my way to London.

5*th*. I came to London to my house in Holborne.

This Easter term I acknowledged a judgment to Mr. Boes for £360 which I borrowed of him.*

I likewise borrowed this term of my cousin Day £250, for which myself, my brother George, and my brother John Coventry stood bound.

June 1*st*. Myself, Sir Gerard Napper, Mr. John Churchill of Glanvills Wooton in the county of Dorsett, were bound with my brother John Coventry in two bonds of £250 each, the one to the Lady Sarah Kempe, the other to Mr. Roger Draper, both of Islington. Both bonds payable the 4th of December next. I have my brother John Coventry's counter bond for both these.

A story is told in the Locke Memoir, which may or may not be true, of his having endeavoured to dissuade Holles, with whom he is said to have been now on terms of friendship, from a violent motion against Cromwell on the occasion of the petition of the agitators of the army to the House of Commons in April 1647, and of Cromwell's afterwards thanking him. "Cromwell some time after meeting Sir Anthony told him, 'I am beholden to you for your kindness to me for you, I hear, were for letting me go without punishment, but your friend, God be thanked! was not wise enough to take your advice.'" (Locke's Works ix. 278). It had been proposed in an angry debate on the agitators' petition to apprehend Cromwell, who was in town and attending to his duties in the House of Commons; he quietly left the house and rode off to the army at Triploe Heath near Saffron Walden. This was the beginning of the contest between the army and the Parliament. Cooper, not being in the House of Commons, was at a distance from the feud which soon led to the exclusion of the Presbyterian members by the army. His social positions, connexions, and sympathies would naturally have associated him with the Presbyterians rather than with the party of the Independents and army; and, when the Restoration came, he was clearly regarded as belonging to the Presbyterian party. There is nothing impossible in this story, for which we have no authority besides the Locke Memoir.

* Elsewhere spelt Bowes, p. 75.

June 2nd. Myself and Sir Gerard Napper were bound with my brother John Coventry for £600 to Mr. John Warr, jun. of Didlington in the county of Somerset: this bond payable the 3rd of November next. For this I have my brother John Coventry's counter bond.

I came to Bagshott this night.

3rd. I came to my house at Sarum.

14th. My wife myself and my sister began our journey to Bath, and came this night to Trubridge.

15th. We came to Bath, where my wife made use of the Cross bath for to strengthen her against miscarriage. We lay at Mrs. Bedford's by that bath.

17th. I came back to my house in Salisbury, and dined at Madenton.

18th. We met at Wilton at bowls. I went with my uncle Tooker to Madenton that night.

22nd. I went to Bath to my wife.

28th. I came back to my house in Salisbury and dined at Madenton.

29th. I went to Walter Goddard's at Allholland.

July 1st. I came back to my house at Salisbury.

3rd. I went and dined at Allholland, but came back to Salisbury at night.

This month we had up the bond wherein myself was bound with my brother John Coventry to Mrs. Dorothy and Anne Aubery for £390, and we gave them two bonds, the one to Mrs. Dorothy for £150, the other to Mrs. Anne for £240; for both these I have my brother's counter bond. The first bond was dated April 24th.

16th. I went to my uncle Tooker's to Madenton.

17th. I went to my wife at Bath.

July 22*nd*. My wife and sister and myself came from Bath to my house at Salisbury.

Vide de hoc mense in proximo.

August 1*st*. My wife sister and myself went to Allhol-land in Dorset.

4*th*. We dined at Woodlands.

5*th*. We came back to Sarum.

14*th*. The judges came to Salisbury, Judge Godbolt and Serjeant Wild.* They went hence the 18th day. Four condemned to die, one for a robbery, two for horse-stealing, one for murder. Yorke that was for the robbery, I got his reprieve. The justices present were Sir Edward Hungerford, Mr. Edward Tooker, Mr. John Ashe, Mr. Whitehead, Colonel Ludlow,† Mr. William Eyre, Mr.

* John Wilde had taken an active part in the early proceedings of the Long Parliament, and had been recommended to the King for the appointment of Chief Baron of the Exchequer in the negotiations of February 1643. He was appointed Chief Baron of the Exchequer by the parliament in October 1648. After the execution of the King he was a member of the Council of State. When Cromwell became Protector he did not reappoint Wilde Chief Baron. He was however restored to that high office in January 1660 by the restored Rump; but he necessarily lost the office again on the restoration of Charles the Second. He died in 1669. (Foss's Judges of England vi. 519).

† The celebrated Edmund Ludlow. He was born in 1620 at Maiden Bradley, Wiltshire, being the eldest son of Sir Henry Ludlow, a gentleman of family and wealth. When the Civil War broke out, he warmly espoused the side of the parliament, raised soldiers and fought in the West; and in 1645 he became a member of the Long Parliament for Wiltshire. He was a zealous republican, was one of the King's judges, and was afterwards an opponent of Cromwell as Protector. He fled from England after the Restoration and took refuge in Switzerland at Vevey, which then belonged to the Canton of Berne, by whose governors he was honoured and protected. He died at Vevey in 1693. After the revolution of 1688 he had visited England, hoping then to be permitted to live unmolested in his native country; but an address having been voted by the House of Commons to King William for his arrest, he again fled to Vevey, there to end his days. He

Gyles Eyre, Mr. Bennet of Norton, Mr. Joy, Mr. Aubery, Mr. Sadler, Mr. Hippesley, Mr. How of Wishford, Mr. How of Berwick, Mr. Dove, Mr. Stephens, Mr. Coles, Mr. Swanton, Mr. Goddard of Upham.

The last assize Sir John Danvers was present.

I kept my ordinary at the Angel, four shillings for the gentlemen, two for their men, and a cellar.

August 20*th*. I went to Hinton Martin, and lay at Walter Goddard's at Allholland.

21*st*. I came back to Salisbury by Damerham.

24*th*. I went a hunting to Cobley and from there to More Critchell to Sir Gerard Napper's.

25*th*. I heard Mr. Strong preach, and in the evening returned to Salisbury.

26*th*. I met the commissioners for the assessment for Sir Thomas Fairfax his army at the Devizes and came to Madenton at night. The commissioners present were myself, Mr. Tooker, Mr. Jenner, Mr. Dove, Mr. Bennett, Mr. Sadler, Mr. Hippesley, Mr Edward Martin, Mr. Gabriel Martin, Mr. Jesse, Mr. Thomas Bayly, Mr. Brown, Mr. John Stephens, Mr. William Coles, Mr. Thomas Carter, Mr. Nicholas of Simley, Mr. Ditton, Mr. Read, Mr. Crouch.

27*th*. I came back to Salisbury.

In July last I settled my brother George's estate on

composed in exile his Memoirs, which reach to the year 1668, and are a valuable contribution to the history of those times, more particularly for the period between Oliver Cromwell's death and the Restoration. A few suppressed passages of these Memoirs, referring to Shaftesbury always in terms of disparagement, are printed later. Ludlow was an honest uncompromising zealot, full of violent prejudices, and with no tolerance for opinions different from his own. See M. Guizot's interesting sketch of his life in his "Etudes Biographiques de la Revolution d'Angleterre."

him, who was some months since married to one of the co-heirs of Mr. Oldfield of London, sugar baker. I gave my brother freely £1000 for his preferment, and an annuity of £55 per annum for one life, and cleared it of my sister's portion.*

September 2nd. I went to Warmister and sat on the Commission for Sir Thomas Fairfax his army's contribution. There were commissioners myself, Mr. Bennet of Norton, Mr. Carter, Mr. Crouch, Mr. Jesse. I lay there that night.

3*rd.* I came back to Salisbury.

14*th.* I went to Madenton to my uncle Tooker's.

15*th.* My uncle and I went to the Devizes, where we met the commissioners for Sir Thomas Fairfax his army. There were commissioners present, myself, Mr Tooker, Mr. Alexander Popham, Mr. Bennet, Mr. Crouch, Mr. Carter, Mr. Bayly, Mr. Jesse, Mr. Martin the elder, Mr. Ditton, Mr. Read, Mr. Stokers, Mr. Brown, Mr Manning. We came back to Madenton to bed.

16*th.* I came home to Salisbury.

17*th.* I went to Mrs. Lee her house at Fishwood† in Hamshyre.

* There is very little information to be found about Shaftesbury's brother and sister, and very few traces, in Shaftesbury's later life, of his intercourse with them. The sister, Philippa, married Sir Adam Brown, bart. of Betchworth Castle in Surrey, and died at a great age in 1701. (Aubrey's Surrey, ii. 307.) The brother, George, lived at Clarendon Park near Salisbury. He is probably the George Cooper who was made one of the commissioners of the Admiralty by the Rump Parliament on its second restoration in December 1659, to which his elder brother prominently contributed. (Kennet's Chronicle p. 35.) He is also probably the George Cooper who was member for Poole in the Convention Parliament of 1660. (Willis Not. Parl. ii. 411.)

† So apparently in the manuscript.

September 18*th.* I came home to Salisbury.

27*th.* I went to Warmister, and sat in the Commission for raising money for Sir Thomas his army. There were commissioners myself, Mr. Bennet of Norton, Mr. Carter, Mr. Jesse. I lay there that night.

28*th.* I dined at Mr. Topp's at Stoketon and came home to Salisbury.

October 2*nd.* I went to Totnam to Marquis Hertford, and lay there this night and the 3rd.

4*th.* I went to my own house at Purton to keep my court there.

6*th.* I went to Malmsbury to return up my money.

7*th.* I returned to Salisbury.

8*th.* I came to Damerham and kept court there, and went that night to Allholland.

9*th.* I kept court at St. Giles Wimborne.

11*th.* I kept court at Hinton Martin.

12*th* I returned to Salisbury.

19*th.* I went from Salisbury to Farneham.

20*th.* I came to Oxsted to my Lady Coventry's.

25*th.* I came to my house in Holborne at London.

30*th.* I went to Oxsted.

November 1*st.* I came to Alton in Hamshyre.

2*nd.* I came to Salisbury to my house.

6*th.* The bond wherein I was bound with my brother John Coventry, the one to Mrs. Anne, the other to Mrs. Dorothy Aubery, both dated 15th July 1647, the one for £150, the other for £240, were cancelled, and I delivered up my counter bonds.

8*th.* I came to Hartford bridge in my way to London, and fell sick there of a looseness, and was forced to stay there till the 12*th.*

November 12*th*. I came to my house in Holborne at London.

The little ship called the Rose, wherein I have a quarter part, which went for Guinea, came to town this term (blessed be God!) She has been out about a year, and we shall but make our money.

27*th*. I went with my brother John Coventry to Oxsted, to see my Lady Coventry, and my sister Packington, who was lately delivered of her daughter Margarett.

29*th*. We returned to London to my house in Holborne.

This term I paid Mr. Bowes his £360, which I borrowed of him in Easter term last.

This term my cousin Wallop conveyed Ely Rents to me which he had in trust, being bought by me formerly of my father's estate for £1800.

December 2*nd*. I came from London to Bagshot.

3*rd*. I came to Andover.

4*th*. I came home to my house in Salisbury.

20*th*. I went to Tollard to Mr. Plott's.

21*st*. I went to Blandford, and returned to Tollard.

22*nd*. I returned to Salisbury.

26*th*. My wife was delivered at seven o'clock in the evening of a dead maid child: she was within a fortnight of her time.

1648. *January* 11*th*. I went to Blandford to the quarter sessions, where Mr. Hussey gave the charge. Sir A. A. Cooper, Sir Thomas Trenchard, Mr. Thomas Erle, Mr. John Tregunwell, Mr. Hannam, Colonel Sidenham, Colonel Coker, Colonel Brodrip, Mr. Hugh Windham, Mr. Chettle, Mr. Whitway, Mr. Arnold, Colonel Fitzjames, were justices.

January 14*th* We sat there in a committee, the High-sheriff, Sir A. A. Cooper, Sir Thomas Trenchard, Mr. Erle, Colonel Fitzjames, Colonel Coker, Mr. Chettle, Colonel Brodrip, Mr. Hussey, Mr. Whitway, Mr. Bury.

15*th*. I returned to my house in Sarum.

21*st*. My brother John Coventry sealed a deed of all his lands to me, Sir Gerard Napper, Thomas Child and Edmund Hoskins, esqrs., for the payment of those debts we are engaged for him.

I paid Sir Gerard Napper £500 I owed him on bond, and burned the bond.

I borrowed £500 of Mr. William Hinton; my brother Coventry and uncle Tooker were bound with me; I gave them my counter bonds.

This month I bought of one Jeffery some tenements in Gussage, which cost me sixty and odd pounds.

This month Mr. Hastings and Mr. Hooper, feofees in trust for my father's estate, conveyed to me the manor of Pawlet, for which I paid formerly to the Court of Wards £2500.

Mem: I have purchased, not mentioned in this book, a tenement called Suddon Hill, which cost me £600, and a tenement in Staffordshyre in Ilam, which cost me £200.

February 8*th* I went to Hinton Martin, lay at All-holland at Goddard's.

9*th*. I returned to Sarum.

11*th*. I had my writ of discharge from being Sheriff of Wiltshyre delivered me by my uncle Tooker, who succeeded me in my office.

14*th*. I fell sick of a tertian ague, whereof I had but five fits through the mercy of the Lord.

March. I went and waited on the Judges at their lodging; the Judges were Judge Godbolt and Serjeant Wilde.

7th. I dined with the Judges, but I sat not on the bench all this assize for fear the cold might have made me relapse into an ague.

April 4th. Mr. Swanton and I kept a privy sessions at Salisbury. Mr. Gyles Eyres sat with us this day.

5th We continued our privy sessions.

6th. I went to Marlborough, in my way to Purton.

7th. I came to Purton.

10th I returned to Chipenham by Malmesbury.

11th. I came to Sarum.

12th. I kept a court at Damerham Parva, and went to Walter Goddard's to All Saints Wimborne.

13th. I dined at More Critchel at Sir Gerard Napper's.

14th I dined at Hinton Martin, where I kept a court, and came to Sarum.

17th. I and my wife and sister came from my house in Salisbury to Basingstoke, in our way to London.

18th. We came to Stanes.

19th. We came to London to my house in Holborne.

29th. I fell sick of a tertian ague, whereof I had but two fits, through the mercy of the Lord.

May *15th*. My wife and I went to Oxsted in Surry, to see her mother, and stayed there till the

19th, when we returned to our house in Holborne.

June 22nd. I paid Mr. Strong the £100 I borrowed of him on my bond in 1646. The bond was cancelled.

24th. My wife and I went to Stubbers* in Essex to my Lady Capell's.

* So in manuscript, query Stebbing or Stubbing, where the Capels had property. (Morant's Essex ii. 413.)

27*th.* We returned to our house in Holborne.

July. Mem: The bond wherein I was bound to Mr. Gyles Eyre, with my brother Coventry, is paid and cancelled. This bond was for £150, dated April 1647.

I was this month made a commissioner of the ordinance of Parliament for the rate for Ireland, for Dorsett.

I was this month by ordinance of Parliament made one of the commissioners for the militia, which they settled in Dorsettshyre by that ordinance.

August 1*st.* I went to Egham from London, on my journey westward.

2*nd.* I went to Stockbridge.

3*rd.* I went to Salisbury, and from thence to Madenton, my uncle Tooker's.

4*th.* I came to Wimborne St, Giles.

6*th.* I dined with Sir G. Napper at More Critchell, and heard Mr. Hussey preach.

10*th.* I went to Dorchester to meet the commissioners of the militia, which was there settled. Present, Sir Thomas Trenchard, Mr. Erle, Mr. Trenchard, Mr. Dennis Bond, Mr. Chettle, Col. Sidenham, Col. Henley, Mr. Brown, Col. Buttler, Mr. Whitway, Col. Coker.

Received of Sir Anthony Ashley Cooper what was borrowed of him at Poole for the great occasions of the garrisons and buildings, two hundred pound, which I paid unto him again by two hundred pound he received of Mr. John Hoyle by my order. Witness my hand the 10*th of August* 1648.

R. Burie, Treasurer.[*]

This note was made to me the 10th of this month,

[*] This is the original note by Bury, written in the little book which contains the manuscript of this Diary.

when I had also delivered up and cancelled the bond Colonel Bingham and I entered into for twenty pound for the State.

March 11*th.* I went with my cousin Erle to his house at Axmouth in Devonshyre.

13*th.* We went to church in the afternoon to Culliton, and visited Mr. Young there, but returned in the evening.

15*th.* I came to my house at Wimborne St. Gyles.

23*rd.* I went to Salisbury to meet Mr. William Hussey, Mr. Norden, Mr. William Eyres; we all met on commission directed to us out of Chancery, to hear and certify the cause betwixt Lowe and Sadler about Fisherton manors. We continued there on the commission till the 26th, and adjourned till the 12th of September.

26*th.* I returned to my house at St. Giles Wimborne.

26*th.* I went to Salisbury to the assize.

30*th.* The Judge, Mr. Serjeant Wilde, who came alone this circuit, came into Salisbury.

31*st.* We began the assize, where were present Sir John Eveline, Colonel Whitehead, myself, who were all three commissioners of oyer and terminer, Mr. William Hussey, Mr. Yorke, Mr. Stephens, counsellors, Mr. Norden, Mr. Joy, Mr. Bennet of Norton, Mr. William Eyres, Mr. Long, Mr. Coles, Mr. William Littleton, Mr. Dove, Mr. Sadler, Mr. Rivett. My uncle Tooker, High-sheriff.

September 2*nd.* I sealed an assignment of a mortgage belonging to my cousin Ernley, I being a trustee of his wife's jointure, together with my uncle Tooker, Mr. Swanton, and Mr. Topp. My uncle keeps the writings and accounts about it.

I had a verdict against St. Johns for my common in Lydeard, myself the plaintiff, and £80 damage given

me. The last summer assize I had another verdict against him and Webb, myself the plaintiff.

4th. I returned to my house at St. Giles Wimborne.

11th. I borrowed of my servant James Berboons one hundred pound, myself and James Percivall bound to him for it.

12th. I came to Salisbury. Myself, Mr. Hussey, Mr. William Eyres, Mr. Norden, Mr. Ernley, met on the commission betwixt Low and Sadler, and at the desire of both parties adjourned to the 11th day of December.

13th. I came to Bagshott.

14th. I came to my house in Holborne.

October 4th. My wife and I went to Oxsted, in Surrey.

Mem: I borrowed on my own bond of my cousin Charles Hoskins £200.

10th. We came to Guildford.

11th. We came to Winchester.

12th. We came to our house at St. Giles Wimborne in the county of Dorsett.

19th. I went to Salisbury to join with my uncle Tooker in putting in our answer to my aunt Sanderson.

21st. I came back to St. Giles Wimborne.

26th. I went to Sutton on my way to London.

72th. I went to Stanes.

28th. I came to London and lodged at Mr. Guidett's house in Lincolnes inn fields.

November. This term I borrowed of my aunt Mrs. Alice Coventry £1100, for which I gave her my own bond.

December 4th. My cousin Harbin, Mr. Chettle, and myself came from London in an hackney coach to Egham.

November 5th. We came to Basingstoke.

6th. We came to Stockbridge.

7th. To Salisbury.

8th. I came to my house at St. Giles Wimborne in Dorsetshyre.

December 11th. I went to Salisbury on the commission betwixt Lowe and Sadler.

12th. There being but three commissioners, Mr. Hussey, Mr. Norden and myself, we could not proceed, but adjourned by consent of both parties to the 20th of March next, we to meet the 19th at night there. Mr. Kelaway and Mrs. Sadler desired it might be put off till then; Lowe pressed to hear it sooner.

21st. I went to Wimborne and dined with my cousin Hannam, and came home in the evening.

27th. I went to Shaftesbury to sit on the commission for the contribution for the army. There met commissioners, Mr. Hussey, Colonel Bingham, and Mr. Bury.

28th. We sat on the business.

29th. I returned home.

1649. *January 1st.* I dined at my cousin Hannam's of Wimborne.

4th. I and my wife, my brother, and sister dined at Sir Gerard Napper's, at More Critchell.

9th. I went to the quarter sessions at Blandford. The justices present this session were myself, Mr. Chettle, Colonel Butler, Colonel Bingham, Colonel Sidenham, Colonel Brodrip, Mr. Hussey, judge of the sessions, Mr. Savadge, Mr. Whiteway, Mr. Hannam, Mr. Arnold.

10th. We sat at sessions.

11th. In the morning at sessions, in the afternoon

myself, Colonel Bingham, Mr. Chettle, Mr. Whiteway, sat on rates.

January 12*th.* I returned to my house at St. Giles.

29*th.* I began my journey to London, and went to Andover.

30*th.* I went to Bagshott.*

31*st.* I came to London and lodged at Mr. Guidett's in Lincoln's inne fields.

February. I was made by the States a justice of peace of quorum for the counties of Wilts and Dorsett, and of oyer and terminer for the Western circuit.

In Candlemas term I paid £200 to my cousin, Charles Hoskins, which I had borrowed of him.

I mortgaged my manor of Pawlett to my aunt Mrs. Alice Coventry for £1100 I owed her.

March 3*rd.* I went to Oxsted in Surrey to wait on my wife's mother.

5*th.* I went to Guildford on my way home.

6*th.* I came to Rumsey in Hamshyre.

7*th.* I came to my house at St. Giles Wimborne in Dorsettshyre

April 3*rd.* I went to Marleborough in my way to Purton for my rents.

4*th.* I came to Purton in North Wiltshire.

6*th* I came to the Devizes in my way home, having called at Malmsbury to return my money to London.

7*th* I came home to my house in St. Giles Wimborne.

* The day of the execution of Charles I. The ordinance for the trial had been passed by the House of Commons on January 6th; the trial began on the 20th; on the 27th sentence was passed. Strange that even this great event elicits no mention in this Diary! It will be seen that Cooper after the King's death accepted the new order of things.

April 10*th* I went to Salisbury.

12*th* I returned home.

May 2*nd*. Mr. Plott and I went to Poole to buy sack and returned at night.

I was made by the States a commissioner in their act of contribution for the counties of Wilts and Dorsett.

June 19*th*. I went to my cousin Whitehead's at Fillery* in Hamshyre, in my way to London.

20*th*. I came to Hartford bridge.

21*st*. I came to London to Mr. Guidett's.

July 3*rd*. I came to Hartford bridge in my way home.

4*th*. I came to Salisbury.

5*th*. I came home.

10*th*. My wife, just as she was sitting down to supper, fell suddenly into an apoplectical convulsion fit. She recovered that fit after some time, and spake and kissed me, and complained only in her head, but fell again in a quarter of an hour, and then never came to speak again, but continued in fits and slumbers until next day. At noon she died; she was with child the fourth time, and within six weeks of her time.†

She was a lovely beautiful fair woman, a religious devout Christian; of admirable wit and wisdom, beyond any I ever knew, yet the most sweet, affectionate, and observant wife in the world. Chaste without a suspicion of the most envious to the highest assurance of her husband, of a most noble and bountiful mind, yet very provident in the least things, exceeding all in anything she undertook, housewifery, preserving, works with the needle, cookery, so that her wit and judgment were ex-

* So apparently in the manuscript.

† She had had no child born alive.

pressed in all things, free from any pride or forwardness. She was in discourse and counsel far beyond any woman.

July 19*th.* I went to Madenton in Wiltshyre, to my uncle Tooker's.

27*th.* I returned home.

August 16*th.* I was sworn a justice of peace for the counties of Wilts and Dorsett by Mr. Swanton. This was the first time I acted since the late King's death.

30*th.* I went to Andover in my way to London, with my uncle Tooker and sister.

31*st.* We came to Bagshott.

September 1*st.* I came to London to my cousin Day's house in Axe Yard, Westminster.

11*th.* I sold my land at Finderne in Derbyshire for £2700.

September 14*th.* I paid my uncle Tooker £200 he had lent me in Easter term.

15*th.* I paid my cousin Rogers, my aunt Coventry's executor, £1100, and cancelled my mortgage of Pawlet and bond for performance of covenants; and I went to Oxsted in Surrey, to my wife's mother.

17*th.* I came to Guildford.

18*th.* To Winchester.

19*th.* To my house at St. Giles Wimborne.

October 2*nd.* I went to Marlborough.

3*rd.* I sat at sessions in the morning, where were present ten justices; myself, Mr. Swanton, Mr. Littleton, Mr. Joy, Mr. Sadler, Mr. Hippesly, Colonel Ayres of Hurst, Lieut. Colonel Read, Captain Martin, Mr. Shute. In the afternoon I went to Purton.

4*th.* I went to Malmsbury.

5*th.* I came to Salisbury.

October 6*th*. I came home to my house.

22*nd*. I, my brother, and cousin Day went to Winchester, in our way to London.

23*rd*. We came to Farneham.

24*th*. We came to London. I lodged at my cousin Day's.

27*th*. I went to my brother's house at Bow and lay there.

29*th* I returned to London.

November. This term I paid my Lady Coventry one hundred pound she freely lent me.

1650. *January* 7*th*. From London to Bagshot.

8*th*. From Bagshot to Sutton.

9*th*. To St. Giles.

10*th*. To Dorchester.

11*th*. Dine at Woolton at Sir Thomas Trenchard's, and came home to St. Giles.

17*th*. To Salisbury, to the sessions and oyer and terminer; present, Mr. Bond, High-sheriff, myself, Colonel William Eyres, Mr. Tooker, Mr. Hussey, Mr. Swanton, Mr. Free of Wishford, Mr. Ayres of White parish, Colonel Thomas Eyre, Colonel Read, Mr. Gabriel Martin, Mr. Coles, Mr. Shute, Mr. Littleton : we all this day subscribed the Engagement.

18*th*. The commission lasted.

19*th*. The sessions ended, and I came home to St. Giles.

22*nd*. I went to my commission at Wimborne betwixt Mr. Bankes and I.

23*rd*. Returned.

29*th*. Myself, Captain Dewe, and Mr. Baker sat on a commission from the Council of State to give the Engagement at Blandford. I returned at night.

January 31*st*. To Winchester, on my way to London.

February 1*st*. To Bagshot.

2*nd*. To London, my cousin Day's.

7*th*. I received a commission to me and others from the Commissioners of the Great Seal for the giving the Engagement in Dorsetshire. I sent it by the next post to Captain Dewe.

8*th*. I received a second commission as above with the time enlarged, and sent it as above.

February 2*nd*. I paid Mr. William Hinton £500 I owed him on bond, and cancelled.

This month I borrowed £150 of my cousin Day, on mine and my brother John's bond.

March 5*th*. I came to Bagshot on my way to my house in Dorset.

6*th*. To Twyford in Hamshyre, to Mr Wool's where my aunt ———* lived.

7*th*. Home to St. Giles's.

11*th* To Salisbury assize. Judge Nicholas† Chief Justice.

13*th*. Home to St. Giles's.

14*th*. To Dorchester assize. I was of the oyer and terminer for the circuit.

16*th*. We sat on the commission for militia. In the afternoon I returned home to St. Giles's.

19*th*. I laid the first stone of my house at St. Giles's.‡

* A blank in the manuscript.

† Robert Nicholas was made serjeant October 30, 1618, and a Judge of the Upper Bench (the commonwealth name for King's Bench,) June 1, 1619. He was afterwards moved by Cromwell to the Court of Exchequer (Foss's Judges vi. 463.)

‡ The right wing of the present house was built in 1651. (Hutchins's Hist. of Dorset, iii. 186.)

March 20*th*. I came to Winchester.

21*st*. To Egham.

22*nd*. To London, to my cousin Day's.

29*th*. I removed my lodging from Ax Yard to Bedford Street.

April 15*th*. I was married to Lady Frances Cecil,* and removed my lodging to Mr. Blake's, by Exeter house.

July 2*nd*. My wife and I and my sister came from London to Bagshot, on our way westward.

3*rd*. We came to Basingstoke.

4*th*. We came to St. Giles Wimborne.

10*th*. I went to the assizes at Shaston where were present justices.†

* Daughter of David, third Earl of Exeter, who had died in 1643, and sister of John,* fourth Earl. Cooper's connexion with the King's enemies and adherence to the Commonwealth did not prevent his marrying a noble lady of a royalist house. This second marriage was also of short duration; the lady died some time in 1654. But it was not without issue; two sons were born of this marriage. The first, christened Cecil, born in 1651, died in childhood. The second, Anthony Ashley, born January 16, 1652, lived to inherit his father's possessions and titles, and transmitted them to a son of his own, the distinguished author of the "Characteristics." Shaftesbury married a third wife in the year 1656, but he had no more children.

† Here ends the Diary abruptly. Nothing more is known of Shaftesbury till he is named by the Parliament nearly two years after a member of a Commission for the reform of the laws, January 17, 1652; and we learn this only by the Journals of Parliament. The Commission consisted of twenty one members, none of whom were members of the parliament; and they were to report to a Committee of the House which had been appointed for the same purpose some time before, and the slowness of whose proceedings caused much dissatisfaction. Sir A. A. Cooper was the last named of the twenty one commissioners. The first named and probably the leading member of the Commission was Hale, the future celebrated Chief Justice, Sir Matthew Hale. This Commission drew up a digest of the laws, and prepared various excellent drafts of measures, some of which, designed to simplify and cheapen legal proceedings and faci-

litate conveyances, Cooper afterwards procured to be enacted by the Barebone's Parliament. The celebrated Marriage Act of the Barebone's Parliament, prescribing the celebration of marriages before magistrates, was one of the measures prepared by this Commission. See the collection of acts which they prepared in Somers Tracts vi. 177. On the 17th of March 1653, it is entered in the Commons' Journals, "Resolved by the Parliament that Sir Anthony Ashley Cooper, baronet, be, and is hereby, pardoned of all delinquency, and be, and is hereby, made capable of all other privileges as any other of the people of this nation are." Mr. Martyn tells a story of Cooper's having been imprisoned by the Parliament immediately before the passing of this resolution (Life i. 162,) but the story is pure imagination of Mr. Martyn's to explain what he supposes can only be explained by a recent offence. I have no doubt that Cooper was not accounted to be entirely cleared of delinquency for his former connexion with the King, till after this resolution was passed. This is probably why he had not hitherto been allowed to sit for Downton. There was probably now not time to take his petition into consideration in the few weeks before Cromwell's violent suppression of the Rump on the 20th of April, 1653.

III. TWO PASSAGES RELATING TO EVENTS IN 1640.

[Reprinted from Lord King's Life of Locke.]*

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1. THE SCOTCH INVASION, AUGUST, 1640.

This second coming in of the Scots was occasioned and principally encouraged by a letter which the Lord Saville, afterwards Earl of Sussex, writ with his own

* These two passages occur in Locke's Commonplace-book under date December 1680, and are printed in Lord King's Life, vol. i. p. 222. The letters A.E.S. being appended to one of the passages in Locke's manuscript, Lord King conjectured that these initials meant Anthony Earl of Shaftesbury; and the conjecture has been confirmed by two references in Martyn's Life of Shaftesbury (i. pp. 115, 119,) to a manuscript of Shaftesbury's as authority for the same statements. I have not found the passages thus referred to among the papers at St. Giles's. Martyn may have seen them, and they may have been since lost, or he may have only learnt about them from references by Stringer. Reference is made to one of these passages in a note of the fourth Earl's which is preserved. It is not certain, but probable, that the passages as here printed are in the actual words of Shaftesbury. The passages may have been fragments to form part of the introductory historical sketch in the Autobiography which terminates so abruptly at the Reformation, or they may have been detached notes written in 1680 for Locke's and Stringer's information. Locke sets them down in his Commonplace-book as notes for Rushworth's Collections. The period to which these two passages refer is between the dissolution of the Short Parliament in May, and the assembling of the Long Parliament in November, 1640. The dissolution greatly increased the discontent of the nation. In August the Scotch army invaded England, and routed the English forces at

hand, and forged the names of a dozen or fourteen of the chiefest of the English nobility, together with his own, which he sent into Scotland by the hands of Mr. H. Darley, who remained there as agent from the said English lords until he had brought the Scots in. At the meeting of the grand Council, when the English and Scots lords came together, the letter caused great dispute amongst them, till at last my Lord Saville, being reconciled to the court, confessed to the King the whole matter.*

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2. THE TWELVE PEERS' PETITION FOR A PARLIAMENT, AUGUST 20, 1640.

This petition was presented to the King at York by the hands of the Lord Mandeville and the Lord Edward Howard.† The King immediately called a cabinet

Newborne. The petition of the twelve peers to the King to call another parliament expressed the general feeling of the nation, and led to other similar demonstrations. Charles at last yielded and summoned the famous Long Parliament.

* A note of the fourth Earl of Shaftesbury among the papers at St. Giles's points out the importance of Shaftesbury's testimony to the story of Lord Savile's forgery. Dr. Lingard has expressed a doubt of the truth of the story, but it is too well attested to admit of doubt. Mr. Sanford has lately given a longer account of the transaction agreeing with that in the text from a MS. in the British Museum, Add. MSS. 15567. See Sanford's Studies and Illustrations of the Great Rebellion, p. 171, and Hallam's Const. Hist. ii. 125, note.

† Lord Mandeville is better known as Lord Kimbolton, and afterwards Earl of Manchester. Lord Edward Howard is Edward Lord Howard of Escrick. Mr. Hallam has given an incorrect list of the twelve peers who signed this petition; he has substituted Lord Wharton and Lord Savile for the Earl of Bristol and Lord Howard. Compare Hallam ii. 127, note with the list given in Whitelocke, Rushworth, and Nalson. The petition may be read in Mr. Forster's Historical Essays, vol. i. p. 61. Compare with these two passages Bishop Burnet's account of the same incidents in the Introduction to his History. (Own Time i. 50.)

Council, wherein it was concluded to cut off both the lords' heads the next day; when the Council was up, and the king gone, Duke Hamilton and the Earl of Strafford, general of the army, remaining behind, when Duke Hamilton, asking the Earl of Strafford whether the army would stand to them, the Earl of Strafford answered he feared not, and protested he did not think of that before then. Hamilton replied, if we are not sure of the army, it may be our heads instead of theirs; whereupon they both agreed to go to the King and alter the council, which accordingly they did.

IV. LETTERS AND PAPERS DURING THE CIVIL WAR. 1643—1645.

1. *King Charles I. to the Marquis of Hertford, August* 10, 1643; *confirming the appointment of Sir A. A. Cooper as Governor of Weymouth, and recommending that he be persuaded to resign later.*

CHARLES R.

Right trusty and right entirely beloved cousin and councillor, we greet you well. Upon the hearing of some difference about the command of our town of Weymouth and our castle of Portland, signified to us by our Chancellor of the Exchequer,* we have written to our nephew Prince Maurice, that our pleasure is that Sir Anthony Ashley Cooper and the person appointed by him remain in those commands according to the tenor of your commission granted to him, which though out of respect to you and your grant we have thought fit to do, and that nothing like an affront may fall upon the gentlemen entrusted by you, yet being informed of the youth of the one and the want in both of experience in martial affairs, and of the importance of those places and how likely they are being ports to be attempted by the parliament forces by sea, in which case, for want of an able

* Sir Edward Hyde, afterwards Earl of Clarendon. See note at p. 17.

and experienced commander, they may run great hazard to be lost to the great prejudice of our affairs, we earnestly recommend it to you to prevail with them willingly to resign their commands after they have held them so long as that they may not appear to be put from them, nor your commission to have been disregarded by us. And we recommend to you so to advise with our nephew about the persons to succeed them therein that both these places for the security thereof may be in the hands of more able soldiers, and that (if such persons be there to be found) these soldiers may likewise be persons of some fortune and interest in those parts for the better satisfaction of the gentry of that country. And so not doubting of your ready compliance herein, we bid you heartily farewell. Given at our camp before Gloucester the 10th day of August, 1643.

To our right trusty and right entirely beloved cousin and councillor, William Marquis of Hertford.

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2. *Notes of Sir A. A. Cooper's examination before the Committee of both Kingdoms on his coming over to the Parliament, March* 6, 1644.* [From the Royalist Composition Papers in the State Paper Office, First series, 16, 561.]

Sir Anthony Ashley Cooper bart. saith that he was Sheriff of Dorcester this year and late Governor of

* Mr. Martyn, whose account of Shaftesbury's relations with the King's party is a tissue of errors, (See note at p. 45) says that "the Parliament appointed a Committee to receive and examine" Sir A. A. Cooper. He went before the standing Committee of the two Houses, called the Committee of both Kingdoms.

Weymouth, but he hath delivered up his commissions of governor and colonel the first week of January 1643.*

He came into the Parliament quarters at Hurst Castle in Hampshire upon the 24th of February.

He brought in a certificate under my general's hand certifying his coming into the Parliament quarters before the 1st day of March.

He saith he came there being fully satisfied that there was no intention of that side for the promoting or preserving of the Protestant religion and the liberties of the kingdom, and that he left £600 per annum well stocked there; and is fully satisfied of the justness of the parliament proceedings: £800 near Oxford under their power: £2000 per annum in the King's quarters in Wiltshire and Dorsetshire and Somersetshire.†

* January 1644, according to the present mode of reckoning.

† In the autobiographical account prefixed to the Diary, Shaftesbury says that he left "his estate in the King's quarters, £500 a-year full-stocked, two houses well furnished, to the mercy of the enemy." There is necessarily no discrepancy between the two statements, certainly not more divergence than may serve to authenticate both accounts. The £500 a year and two houses probably correspond to the £600 a year mentioned to the Committee: and all his estate would include the £800 near Oxford and the £2000 a year. If this be anything like an approximation to Shaftesbury's whole rental, it was less than has been commonly stated. Mr. Martyn says that his inheritance was £8000 a year, but I am not aware of any authority for this figure but the trumpery Life called "Rawleigh Redivivus," which is no authority at all. Eight thousand pounds in those days would be equivalent to more than twenty thousand at present. It may perhaps be doubted whether Shaftesbury was so wealthy. The entries in his Diary indicate anything but superabundant wealth, and show him, what he was through life, very careful about small sums and eager to improve his income. He says in the Autobiography (p. 11,) that he lost £20,000 by the Court of Wards, which at the then rate of eight per cent would be a loss of £1600 a year. There is no other trace of his having property near Oxford; this was perhaps ready money; and he may have been at Oxford shortly before his defection

He saith he had not made known his intentions to any. That those that should come in before the 1st of March, the parliament would give them their lives and liberties, but for their estates that was wholly to be disposed of to the use of the public; only if they took the Covenant and behaved themselves likely to deserve well of the parliament, they should be allowed forty or fifty pounds per annum Mr. Kirby's letters certified so much.

He saith above a month before he heard of the parliament declarations he delivered up his commissions and was resolved to return to the parliament, being fully satisfied of the injustice of that cause and of the justice of the parliament; he was resolved to come into them without looking to any conditions whatsoever.

He saith he hath seen the Covenant and desires to take the Covenant when this committee shall tender it unto him.

A better testimonial of his purposes of coming in and intentions to leave them and that he is very cordial for the parliament, being able to do you good service and discovery of their designs and of their strength and wherein they might prepare against your enemy both upon Poole and Wareham by Mr. Hildeley one of the committee there.

from the king, which might also be inferred from the words of Mr. Trevor's letter quoted in the note at p. 49. He is described in "Rawleigh Redivivus" as going from Dorchester by Salisbury, when he left the King's party, and this is probable, as he delivered himself at Hurst.

3. *Committee for the Parliament in Dorsetshire to Sir A. A. Cooper, August* 3, 1644; *desiring him to command a brigade of horse and foot.**

To Sir Anthony Ashley Cooper knight and bart.

You are desired by the committee (as assistant to this present Parliament) to command as Field Marshal to the brigade of horse and foot now under the command of the high sheriff of the county.

Signed by the Committee for the county of Dorset, 3rd August, 1644.

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4. *Sir A. A. Cooper's Commission to be Commander-in-chief of the Parliamentary forces in Dorsetshire, October* 25, 1644.

At the standing Committee at Poole the five and twentieth day of October, 1644.

To Sir A. Ashley Cooper, knight and baronet. Whereas by virtue of the ordinance of the Lords and Commons in Parliament authority is given to the Committee of the county of Dorset to nominate commanders for the forces raised in this county, we do hereby constitute and appoint you, Sir A. A. Cooper, bart. commander-in-chief of the brigade of horse and foot, appointed to march out of the garrisons of Wareham, Poole, and Weymouth, and all other forces of this county that shall be added to them for this present expedition, and all colonels, lieutenant colonels, captains, and other officers shall be

* This is from a copy without Lord Shaftesbury's possession. signatures among the papers in

obedient unto you and receive orders from you their commander-in-chief. Written under our hands the day and year above written,

Jo. Bingham,	Ri. Brodrippe,
Elias Bond,	Tho. Erle;
Ri. Row,	Tho. Crompton,
Ri Burie,	Francis Chattell.

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5. *Sir A. A. Cooper to the Committee for the Parliament in Dorsetshire, giving a report of the storming of Abbotsbury, October,* 1644*.

Honourable,

Yesterday we advanced with your brigade to Abbotsbury as a place of great concern, and which by the whole council of war was held feasible. We came thither just at night, and sent them a summons by a trumpeter, to which they returned a slighting answer and hung out their bloody flag. Immediately we drew out a party of musketeers with which Major Baintun in person stormed the church, into which they had put thirteen men, be-

* This is from a draft in Shaftesbury's handwriting among Lord Shaftesbury's papers. There is another detailed account of this action, in a letter from an officer who was engaged under Sir A. A. Cooper, but whose name is not given, in Vicars's Parliamentary Chronicle iv. 67. This officer praises Cooper's gallantry highly. "Our commander-in-chief, who, to his perpetual renown, behaved most gallantly in this service, was forced to bring up his men within pistol-shot of the house and could hardly then get them to stay and stand the brunt." This account of the action entirely agrees with Shaftesbury's. Vicars greatly extols this service rendered by "that loyal patriot, Sir A. A. Cooper, commander-in-chief for the parliament."

cause it flanked the house. This after a hot bickering we carried, and took all the men prisoners. After this we sent them a second summons under our hands that they might have fair quarter if they would accept it, otherwise they must expect none if they forced us to a storm. But they were so gallant that they would admit of no treaty, so that we prepared ourselves for to force it, and accordingly fell on. The business was extreme hot for above six hours, we were forced to burn down an outgate to a court before we could get to the house, and then our men rushed in through the fire and got into the hall porch where with furse fagots they set fire on it, and plied the windows so hard with small shot, that the enemy durst not appear in the low rooms; in the meantime one of our guns played on the other side of the house, and the gunners with fire balls and granadoes with scaling ladders endeavoured to fire the second story, but that not taking effect our soldiers were forced to wrench open the windows with iron bars and, pouring in fagots of furse fired, set the whole house in a flaming fire, so that it was not possible to be quenched, and then they cried for quarter, but we having bet* divers men before it and considering how many garrisons of the same nature we were to deal with, I gave command there should be none given, but they should be kept into the house, that they and their garrison might fall together, which the soldiers with a great deal of alacrity would have performed, but that Colonel and Major Sidenham, riding to the other side of the house, gave them quarter, upon which our men fell into the house to plunder and

* So in the manuscript apparently.

could not be by any of their commanders drawn out, though they were told the enemy's magazine was near the fire, and if they stayed would prove their ruin, which accordingly fell out, for the powder taking fire blew up all that were in the house, and blew four score that were in the court a yard from the ground, but hurt only two of them. Mr. Darby was of the number, but not hurt. We had hurt and killed by the enemy not fifteen, but I fear four times that number will not satisfy for the last mischance. Captain Heathcock and Mr. Cooper (who did extreme bravely), were both slain by the blow of the powder. Captain Gorge, a very gallant young gentleman, is hurt in the head with a freestone from the church tower and shot through the ancle, but we hope will live. Lieutenant Kennett to Major Peutt, who behaved himself very well, was blown up with the powder and slain, and Lieutenant Hill, who went a volunteer and was sent in to get out the soldiers, was blown up with the rest, yet since we have taken him strongly* out of the rubbish and hope to preserve him. The house is burnt down to the ground and could not be saved. We have prisoners Colonel James Strangways, Major Coles, and three captains, besides a hundred foot soldiers and thirty horse, all Strangways's whole regiment. Sir William Waller's officers all of them have behaved themselves extreme gallantly, and more than could be expected in their readiness and observance for your commands; we cannot say to whom you owe most thanks, only Lieutenant Colonel Oxford we are extremely obliged to for his nobleness in joining in this expedition, though

* So in the manuscript.

without command, only on our entreaty. Captain Sturr and Captain Woodward behaved themselves extremely well. Our men are so worn out with duty and this mischance, that we are necessitated to retire to Dorchester to refresh them. If you have anything in particular to command us, we shall most readily obey you. Tomorrow we have a council of war of all the officers, and then we shall conclude of what may be of most advantage to your service, and by God's blessing will faithfully prosecute it. Colonel Sidenham has yet afforded us no ammunition, all his men are supplied from us hitherto besides. He makes not up his regiment either of horse or foot, he has withdrawn one more company this day. We have given him orders that all the prisoners that are officers should be sent to you. We humbly desire you will be pleased to consent to no exchange for any of them until Haynes be exchanged.

A. A. Cooper.

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6. *Committee for the Parliament in Dorsetshire to Sir A. A. Cooper*, 1644 *(probably in November;) giving general instructions.**

Noble Sir,

We have received your letter and have considered the particulars. In that which concerns the altering your quarters we hold it most fit to be resolved on, by the council of war upon the place, according as you have intelligence of the motions of the enemy. Only we

* The original letter has no date beyond Poole, eight at night, 1644. It was written probably after the taking of Abbotsbury.

shall intimate that before Shaston be resolved on it may be considered how safe a retreat may be made, if a body of the enemy's horse advances to Blandford. We approve of the protection granted to Mr. Trygonwell so that it be only to defend him from the violence of the soldier. And we conceive it not inconvenient that a pass be given Mr. Thomas Trygonwell, so that it be expressed in the pass that it is to render himself to the Lord General. We are very sensible of the necessity of supplying the soldiers with some money, and have sent you twenty pound whereof we are fain to borrow ten. If we had more you may be assured those should not want that deserve so well and are so modest in their demands. You are now in a convenient quarter to raise money on malignants, therefore we desire you to make use of the opportunity to the best advantage, and you shall be confident of our approbation. We have nothing else at present but that we are

Your very loving friends

THO. ERLE, ELIAS BOND,
RI. BRODRIPP, THO. HENLEY,
RI. BURIE, RI. ROW.

Poole, eight at night, 1644.

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7. *Memoranda for the Governor of Poole by Sir A. A. Cooper, probably written in November,* 1644.*

1. That if they cannot immediately send us a supply of horse, that orders be forthwith sent for the with-

* These memoranda are in Sir A. A. Cooper's handwriting without any date, and with the heading "Memorandums for the governor

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drawing the Sussex foot, and that the rest be disposed into their several garrisons. The keeping them together in a body does devour that provision should be sent into the garrisons and destroys the county, besides these few horse we have (being not above a hundred) are wholly taken up with providing for them.

2 That if a considerable party of horse, sufficient to relieve Taunton, cannot be sent us presently, we desire that some few may be spared, with which added to those we have already we shall be able to victual our garrisons and subsist in the county. However we shall be better able to subsist without than with the Sussex foot.

3. Under a thousand horse it will be now difficult to relieve Taunton, the enemy having received the addition of a hundred horse lately from the King's army under Colonel Cooke, so that with those horse that lie near Salisbury they are able to march fifteen hundred horse and dragoons.

4. The enemy being resolved to fortify round the skirts of Somerset as Sherborn, Sturten Candell, Shafton, to make it a safe quarter for his retreat and to drive all the parts of the counties of Dorset and Wilts unto their quarters, being resolved both their horse and foot shall, if they be forced to retire, live on the skirts of these two counties,—quære, whether it will not be necessary for us to garrison Hooke house,* and, if we cannot force them from Shafton or Sherborn, to garrison in some

of Poole." They were probably written in November, 1644, shortly before the expedition for the relief of Taunton.

* Hooke house, near Beaminster, the property of the Marquis of Winchester, who was also owner of Basing House in Hampshire, which he so gallantly defended against Cromwell. Hooke house was burnt down in 1647. (Hutchins's Hist. of Dorset, i. 491.)

other strong houses near those places by which their incursions may be restrained.

5. The enemy being possessed of Ivychurch and Langford houses from which they make perpetual inroads into the eastern part of our country, and bring the northern part of Wiltshire into contribution to them,—quære, whether we should not garrison Falston house,† by which we are sure to cut them off from troubling this county, besides we shall gain the contribution of a considerable part of Wiltshire.

6. Quære, whether it be not absolutely necessary to pluck down the town of Wareham, it being impossible for us to victual; if Sir W. Waller ever draw away his foot, the town is left naked and exposed to the pleasure of the enemy, who will certainly possess it unless it can be made no town. And there can be no argument against the demolishing it, being extremely mean-built and the inhabitants almost all dreadful malignants, besides the keeping it will certainly starve more honest men than the destroying it will undo knaves.

7. A few foot in Lulworth with a troop of horse will keep Corfe far better than Wareham. And the lesser number of foot we keep, the more horse and dragoons we shall be able to maintain, with which the business of this county must be done.

8. If they are unwilling to destroy the town of Wareham, it may be left for a horse quarter and they

† Ludlow mentions Falston House as garrisoned for the Parliament in 1645, with one of his relatives, Major William Ludlow, as governor. (Memoirs i. pp. 148, 158). Falston, Ivychurch, and Langford Houses were all near Salisbury. Langford is now called Longford, and now the seat of the Earl of Radnor.

have directions, when they are forced to quit it, to set it on fire.

9. That the horse of the county be all reduced into a regiment, and there may be two troops allowed the governors of Poole and Weymouth, Weymouth troop to be commanded by Major Sidenham, otherwise it will be impossible to keep them together or in any command.

10. That the Committee name whom they will have to be colonel of their horse, and that they will assign how many troops he will allow in the regiment and whose troops these shall be, and that they will send to my Lord General for a commission for the colonel.

11. That there be twenty musketeers in every troop and a full troop of dragoons at least in the regiment.

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8. *Sir A. A. Cooper to General the Earl of Essex,* December* 1644, *reporting the relief of Taunton.* [From Sir Simonds d'Ewes' Diary in the British Museum, Harl. MSS. 166, p. 1696.†]

MAY IT PLEASE YOUR EXCELLENCY,

The last night we brought all our carriages safe to Taunton with our horse. We find the castle in no great

* Robert Devereux, third Earl of Essex, son of the famous and unfortunate favourite of Elizabeth, was born in 1691, and died September 14, 1646. He had been an officer in the English army sent by James I. to the Palatinate, and on the first invasion of England by the Scotch Covenanters in 1639, he was made Lieutenant-General of the army sent against them by Charles I. Afterwards he separated from Charles I., and on the breaking out of the Civil War he was appointed General in chief by the Parliament. It is well known that he was set aside in 1645 for Fairfax. His Life has lately been ably and agreeably written by a descendant. See Captain Devereux's Lives of the Devereux, Earls of Essex.

† This letter was read in the House of Commons on the 24th December and an order made on the same day for a prompt reinforcement (Commons' Journals,)

want of victual, only of powder and salt. The town began to be in great distress, and it is almost a miracle to us that they should adventure to keep the town, their works being for the most part but pales and hedges, and no line about the town. The enemy endeavoured twice to force it, but were repulsed; and since they have only kept them in by a quartering round about the town at a mile or two distance. Notwithstanding, the townsmen made daily sallies and got in store of victuals, without which it had been impossible for them to maintain such numbers of unnecessary people. The enemy on Friday last have quitted their garrisons in Wellington, Wyrwail, and Cokam houses; the two last they have burnt, and as I saw him they have quitted Chidock house, whether it

Whitelocke also records the receipt of the letter. (Memorials p 121, December 23.) Lord Campbell's extraordinary misrepresentation of the contents of this plain and modest letter has been shown in the Critical Examination of the first Chapter of his Life, p. xxxiv. See also Autobiographical Sketch p. 51, and note. It would appear from the notices in Ludlow and Vicars of this expedition for the relief of Taunton that General Holborn had the chief command. Sir A. A. Cooper commanded the Dorsetshire forces, and Ludlow those from Wiltshire. Vicars relates various expeditions of General Holborn against houses garrisoned by royalists in the surrounding country, and among them Chidcock, Mr. Arundel's house near Bridport, and Sir John Pole's house, which might be either Shute or Colcombe, called Cokam in this letter of Cooper's. "We were most certainly informed by letters out of these parts, that Major-General Holborn marched with a party to the Lord Pawlett's house, where he took thirty horses many prisoners and divers arms, and made himself master of that garrison. From whence he marched to the house of one Mr. Arundel, a notorious Papist, at a place called Chadwick, where he beat the enemy out of that pernicious nest, and took some of them prisoners. After this also, hearing that divers of the enemy's forces were got into Sir John Poole's house, he marched towards them, but the enemy hearing of his approach that way fled to Exeter. And the like did another party of the enemies at Mr. Crowe's house, seting it on fire they fled away." (Vicars's Parl. Chron. iv. p. 11.) I have to thank a correspondent of Notes and Queries (vol. ii. p. 26) for suggesting that Cokam House

be out of fear or to make a body able to encounter with us, we cannot yet understand; but Sir Lewis Dives is running up with his horse to the Bridgewater forces argues the latter; however we are in a very good condition, if they receive no assistance from the king's army, which we most fear; this country being of so great import to the enemy that it will be worth their engaging their whole army, which may prove a successful design to them, if we have not a considerable strength ready on all motions of the enemy to advance to our assistance. I shall only humbly offer this to your Excellency's consideration, to whose commands I shall always render myself faithful and obedient, as becometh your Excellency's most devoted most humble servant,

ANTHONY ASHLEY COOPER.

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9. *Committee for the Associated Western Counties to Sir A. A. Cooper, May* 17, 1645; *giving instructions for blockade of Corfe Castle.**

At the Committee of Lords and Commons for the safety of the Associated Western Counties.

Instructions for Sir Anthony A. Cooper, bart. You are desired forthwith to repair to the isle of Purbeck, and to draw together, as speedily as may be, out of the garrisons of Poole, Wareham, Lulworth, and Weymouth, such numbers of foot and horse as are sufficient to block up Corfe Castle. And the governors of the several garrisons aforesaid are hereby desired to give you all the further-

was Colcombe. Can Wyrwail, which seems to be the word in the manuscript, be Worle in Somersetshire?

* Corfe Castle did not fall into the power of the Parliament till April 1646. See Autobiographical Sketch p. 52 and note.

ance and assistance they are able in this design, which is of such great consequence to the county.

You shall have power to dispose of such monies as we have given order to Mr. Henry Bridges to receive, in such manner as shall be conducible to the carrying on of this service.

You shall have power to appoint such officers as you shall think fit to command these forces being drawn together.

You shall have power, if either the commanders or soldiers are willing to render the castle on composition, that then you shall accept of it on such reasonable conditions for their person and estates as in your discretion shall be thought fit.

Lastly, you are authorised to do and execute all things else that in your judgment you shall think necessary for the carrying on all this design; and, for the better encouragement both of officers and soldiers herein, you are to let them know they shall each of them have a fortnight's pay for their reward.

ANTH. NICOLL, DENZIL HOLLES.
DENIS BOND, THO. ERLE.*

* A copy of the following order dated the same day as the above instructions to Sir A. A. Cooper is among the papers at St. Giles's. "At the Committee of the West; May 17, 1645. Ordered that the soldiers of Colonel Popham's and Colonel Cooke's regiments, now sent under the conduct of Mr. Henry Bridges to Wareham, shall receive and obey such orders and commands as shall be given them by Sir A. A. Cooper, bart. [Signed] Sam. Prideaux, Anth. Nicoll, Denzil Holles, Tho. Erle."

V. SUPPRESSED PASSAGES OF LUDLOW'S MEMOIRS. 1653—1660.*

[*From a Manuscript among the Locke Papers at the Earl of Lovelace's.*]

When by the Instrument of Government whereby Cromwell was set up Protector he had issued out writs for choosing a parliament, General Ludlow in his manuscript history has these words p. 344, l. 33 :†

* Some sixteen years ago, when examining by Lord Lovelace's kind permission the Locke papers preserved at Ockham, I discovered the manuscript here printed, which had escaped the late Lord King's notice, and which indeed had no connexion with his immediate object, a biography of Locke. I print the manuscript exactly as I found it. There is no explanation with it as to how Ludlow's manuscript came into Locke's hands. I have since made many endeavours to trace the manuscript of Ludlow's Memoirs, but have entirely failed to obtain any clue to its existence or history. If it is in existence, it would probably be found that more has been suppressed. Ludlow's Memoirs were first printed at Vevey in Switzerland, and published in 1698 and 1699; Ludlow had died there in 1693. These passages may have been copied from the manuscript by Locke either before or after the publication. Locke died in 1704. There is no trace that I am aware of, of intercourse between Locke and Ludlow. It is clear that every passage containing depreciatory mention of Shaftesbury was purposely suppressed, when Ludlow's Memoirs were published. At that time the memory of Shaftesbury was dear to Whigs; and Ludlow had possibly himself lived to wish that these passages should not see the light.

† This short introduction and other similar explanations are by Locke. This passage is to be inserted at p. 498 of vol. ii. of the three-volume Vevey edition, 1698-9, and at p. 211 of the quarto edition of 1771.

AND though I was in Ireland and under a cloud, and that there was the like packing of the cards for the election in the county of Wilts as in other places, the cavaliers and the imposing clergy, the lawyers and court interest, all joining against that of the commonwealth and having preferred a list of ten men (the number which was to be chosen by that county) as those whom they would have to be chosen, they cite the parishes and every particular person therein to appear, who when they came upon the hill were headed by Sir Anthony Ashley Cooper, a man of a healing and reconciling spirit of all interests that agree in the greatening of himself, being now one of Cromwell's Council.* The well wishers

* In the note at p. 87 Shaftesbury's public life has been traced up to Cromwell's ejection of the Rump of the Long Parliament in April 1653. Ambition and a persuasion of public advantage probably combined to move Cromwell to that act. After four years of not unsuccessful government, the Rump was divided within itself, and had made itself obnoxious, for various reasons, to large portions of the Commonwealth party. These four years had also consolidated the power of the army and fixed the ascendency of Cromwell, its victorious general. The Rump had committed many errors, which Cromwell probably exaggerated, and had made many enemies, whom Cromwell probably encouraged and deluded. But a numerous executive is especially unsuited to a time, when the ravages of revolution are to be repaired, and the discord of civil wars to be laid to rest, and a nation placed again in the way of peaceful progress after storms: and Cromwell might not unreasonably persuade himself that his own clear head and strong hand could better provide for the interests of the Commonwealth than a distracted and damaged assembly, in which some able and upright men were swamped by a number of pedants, adventurers, and visionary fanatics. The immediate cause of the violent dissolution of the Rump was a bill for the election of future parliaments, providing a scheme of representation much more popular than that of the ancient constitution; it was the same as that which Cromwell, who now opposed it, urging that for the election of a sovereign assembly it was a dangerous experiment in the distracted condition of the country, adopted, nine months later, in the Instrument of Government. Cromwell called on the Rump to name

to the public interest, according to the practice of their antagonists, prepared a list of such as they judged

an early day for the termination of their own power, and to nominate a sovereign body of moderate number as their immediate successors. Both these demands were refused. The Rump had already fixed the 3rd of November, 1654, for the termination of their own power, and would not name an earlier day. They were impatient to pass their bill; and at last, on the 20th of April, 1653, as they were hurrying the bill through its last stage, in spite of an understanding with Cromwell that on that day no p ogress should be made with it, Cromwell brought a handful of soldiers into the House and violently broke up the assembly. He immediately appointed a Council of State, consisting of thirteen members, including himself, to transact the current duties of executive government; and then proceeded to nominate, in accordance with the advice which he had given the Rump, a body of temporary depositaries of the sovereign power. Sir A. A. Cooper had not sat in the Long Parliament; he was at the time of the dissolution of the Rump a member of their commission for law-reform. He was named by Cromwell a member of the assembly which he now convened, and which met on the 4th of July, 1653, to receive from his hands the sovereign power of the nation. This is the assembly known by the name of the Barebone's Parliament, so nicknamed from one of its members, Praisegod Barebone, a notorious fanatic. It consisted of about a hundred and forty members, of whom a hundred and twenty three were nominated to represent the different counties of England, six were nominated for Wales, six for Ireland, and six for Scotland. Cooper was nominated with nine other members for Wiltshire. A large proportion of the members of this assembly were religious enthusiasts, Anabaptists, Fifth Monarchy men, and followers of various other wild sects into which the Independents were subdivided, and tradesmen and men of small means and humble position. Cromwell was compelled to consult those on whom his power chiefly depended. The ministers of the Independent congregations throughout the country were chiefly advised with as to the persons to be nominated. (Thurloe's State Papers i. 39, Somers Tracts vi. 269.) On the other hand Cromwell's means of choice among the gentry were necessarily limited. It may be inferred from what followed that, if Cromwell had been free to pursue his own inclinations, he would have appointed fewer fanatics and more country gentlemen and lawyers. As it was, it excited astonishment that he should have succeeded in obtaining the services of so many gentlemen of birth and fortune. Compare Whitelocke who expresses such astonishment (Memorials p. 559) with Clarendon

faithful to the public cause, but the other party not contented with their policy make use of force, threaten-

(Hist. of Rebellion vii. 12.) There is no doubt that Hume went too far in depreciating the composition of this assembly; on the other hand some recent writers, as Mr. Godwin and Mr. Forster in his Life of Cromwell, have gone too far in the way of exalting it. Very few officers of the army were nominated, and Cromwell abstained from nominating himself or any of his principal officers. One of the first proceedings of this body, after it was constituted, was to add Cromwell, Generals Lambert, Harrison and Desborough, and Colonel Tomlinson, to their number; and Cooper was appointed to go at the head of a deputation to Cromwell, "to desire him to afford his presence and assistance in the House as a member thereof." (Comm. Journ. July 5, 1653.) The assembly had met the day before, July 4. Cooper was an active and leading member. The Council of State which Cromwell had appointed immediately after the suppression of the Rump, consisting of himself and thirteen other members, mostly officers, was now enlarged by this parliament, exclusively from its own members, to thirty; and Cooper was one of the members added. Others appointed at the same time were Lord Lisle, Algernon Sydney's elder brother, and Edward Montagu and Charles Howard, who became in the reign of Charles II. respectively Earl of Sandwich and Earl of Carlisle. It soon became apparent that from this assembly a healing of divisions was not to be expected; and if Cromwell had given it the sovereign power in the hope that it might become the instrument of his own elevation, any such hope must soon have been abandoned. The assembly soon showed itself divided into two parties, very nearly equal in numbers, one composed of fanatics and violent reformers, the other a moderate party, acting in accord with Cromwell. The Law and the Church were the two chief battle fields. A motion pressed by the violent party for the immediate abolition of the Court of Chancery was defeated only by the casting vote of the Speaker, Francis Rouse, the Provost of Eton. On other occasions the violent party succeeded in obtaining small majorities. It was clear that Cromwell was not strong enough in the assembly to master its fanatical elements and keep it in the ways of prudence and conciliation. Cromwell resolved to put an end to this parliament. In the first days of its sitting, a Committee had been appointed to consider the question of tithes. The appointment of this Committee, carried by a majority of seven, had been a victory for the moderate party, who had thus parried a motion for the abolition of tithes. It was afterwards referred to this Committee on tithes to propose a plan for rejecting unworthy clergymen. The moderate party prevailed in the Committee, and on the 3rd of December they

ing those who oppose them as such who designed disturbance in the state by promoting the election of such

presented a report recommending the continuance of tithes, and the appointment of commissioners for the ejection of unworthy ministers and induction of good successors. The violent party, who wished to abolish tithes and rights of presentation, and leave the clergy entirely to the choice and control and contributions of their congregations, opposed the adoption of the report. A debate arose on the first paragraph, which lasted for five days, and which ended by a vote, carried by a majority of two, against agreeing with it. This vote, which was passed on Saturday the 10th of December, determined the existence of the assembly. On Monday morning Cromwell's party mustered early, and one of them, Colonel Sydenham, moved that "the sitting of this parliament any longer as now constituted will not be for the good of the commonwealth, and that therefore it was requisite to deliver up unto the Lord General Cromwell the powers which they received from him." The motion was seconded by Sir Charles Wolseley. After some debate the Speaker, who was one of Cromwell's partisans, rose without putting the question, and followed by about forty members and preceded by the serjeant bearing the mace, proceeded to Cromwell at Whitehall. A resignation of the powers of the assembly was then written out, signed by the members present, and given to Cromwell. He accepted the resignation with professions of astonishment and sorrow. About seven and twenty members had remained in the House, and were consulting what they should do, when two officers entered and requested them to withdraw. They refused, and the officers brought in soldiers, forced them out, and locked the doors. The paper of resignation lay at Whitehall to be signed by any other members who might choose to add their names; and ultimately it had eighty signatures, which enabled Cromwell to say that the sovereign power had been returned into his hands by a majority of this parliament. Though Cooper's name is not mentioned in any of the accounts which we have of the termination of the Barebone's Parliament, there can be no doubt that he cordially concurred. He was at this moment a zealous supporter of Cromwell. He had been constantly a teller for the moderate party in divisions, and had been very active as member of a Committee for reform of the laws and in passing several measures of law-reform, prepared by the previous Commission of which he was a member. He had been deputed on one occasion by the Parliament to convey to Cromwell an offer to place Hampton Court at his disposal, in exchange for New Hall in Essex, and he reported to the House Cromwell's grateful refusal. (Comm. Journ. September 20, 26, Thurloe's State Papers i. 477.) Mr. Martyn has most unaccount-

as were dissatisfied with the present government, but notwithstanding all they could say or do, and though the

ably represented Cromwell as opposing and thwarting Cooper in the Barebone's Parliament. (Life i. 164.) Cromwell and his friends were not unprepared for the emergency caused by the resignation of the Barebone's Parliament. At a Council of officers assembled by Cromwell on the very same day, an elaborate scheme of a constitution was resolved on, which placed the government of the Commonwealth in a single person, styled Protector, assisted by a Council of State, and a parliament popularly elected according to a reformed scheme of representation similar to that which the Rump had projected. The elaborateness of this constitution shows that it must have been already for some time under consideration; and Cromwell may have designed to submit it to the Barebone's Parliament, before he gave up hopes of managing that assembly. Lambert, who proposed the scheme to the Council of officers, said that it had been for two months in preparation. It had been proposed that Cromwell should now be made King, and the constitution was originally drawn up with the title of King for the chief magistrate. This is rendered clear by a speech of Cromwell in 1657 to a large number of officers who then opposed his taking the title of King, which was printed for the first time by the editor of Burton's Diary from a manuscript in the British Museum. "He [Cromwell] said that the time was when they boggled not at the word King, for the instrument by which the government now stands was presented to his Highness with the title King in it, as some then present could witness, pointing at a principal officer then in his eye, and he refused to accept of the title." (Burton's Diary, i. 382.) Ludlow gives confirmation by saying that "some were said to have moved that the title might be king." (Memoirs ii. 477.) There can be little doubt that Cooper was one of those who now urged Cromwell's having the title of King, and that the following passage in Bishop Burnet's sketch of him refers to this period. "He pretended that Cromwell offered to make him King. He was indeed of great use to him in withstanding the enthusiasts of that time. He was one of those who pressed him most to accept of the kingship, because, as he said afterwards, he was sure it would ruin him." (Own Time, i. 165.) I believe in Burnet's truthfulness, and fear it must be confessed that Shaftesbury, in his later years of passionate excitement and trouble, was not incapable either of the rhodomontade or of the disingenuousness ascribed to him by Bishop Burnet in this passage. It was settled that the "single person" of the new constitution should be styled Protector and hold his power for life; Cromwell was to be the first Protector, and his successors were to be elected by the Council. Cooper

under-sheriff was made for their turn, the high-sheriff being absent, the commonwealth party appeared so equal, that it could not be decided without a poll, and both parties were so numerous that the usual place for election was too strait, so that they consented to adjourn the meeting unto Stonnage,* where there was room enough. The great work is to keep me from being elected who knew

was one of fifteen members of the Council of State named in the Instrument of Government, as this new constitution was called. The other fourteen members were, Lord Lisle, Fleetwood, Lambert, Sir Gilbert Pickering, Sir Charles Wolseley, Montagu, afterwards Earl of Sandwich, Desborough, Walter Strickland, Henry Lawrence, Sydenham, Philip Jones, Richard Major, father-in-law of Richard Cromwell, Francis Rouse, and Skippon. Three more were added before the meeting of the parliament in September 1654, Humphrey Mackworth, Nathaniel Fiennes, son of Lord Saye and Sele, and the Earl of Mulgrave. The new constitution was inaugurated and Cromwell installed as Protector, December 16, 1653. There had been an idle rumour in the few days between the dissolution of the Barebone's Parliament and the promulgation of the Instrument of Government that all the old forms and offices of the monarchy were to be revived under Cromwell as King, and that Cooper was appointed Lord Chancellor. (Intercepted letter in Thurloe's State Papers i. 645.) The first parliament under the Instrument of Government met on the 4th of September, 1654. Cooper was returned for Wiltshire, Tewkesbury, and Poole; and he elected to sit for Wiltshire. The new scheme of representation gave ten members to Wiltshire. Ludlow's account of the election in the suppressed passage printed above is very interesting. Mr. Martyn very absurdly states that Cromwell, irritated by Cooper's opposition to him in the Barebone's Parliament, sent secret instructions to prevent his being elected on this occasion; and a little before states as absurdly that Cromwell "applied himself to Sir Anthony, and in so open a manner, that it was reported he would make him Lord Chancellor; but Sir Anthony was steady against all his arts and caresses, and never accepted of any employment under him." (Life i. pp. 163, 165.) Cooper is mentioned as taking a prominent part, as member of the Council, at Cromwell's reception of the French ambassador, Bourdeaux, in April 1654, in two letters of M. de Baas to Cardinal Mazarin printed by M. Guizot among the historical documents appended to his History of Cromwell's Protectorate.

* So in the manuscript, Stonehenge.

not of one person's intention to appear for me, being at that time in Ireland, neither had I been free to have sat had I been elected as a member to serve in that assembly (a parliament I could not own it to be, the Long Parliament being only interrupted by the sword,) knowing well that they were called together for no good end, and that if they should beyond expectation do anything for the good of the people, they should receive an interruption by the power of the sword, under which they then were. Yet did Sir Anthony Cooper and Mr. Adoniram Byfield, a busy clergyman, not contented with their share in that tyrannical government, of hoping that it would conduce to that which was more so, make harangues to the people, labouring to convince them that it was desirable to choose such as were of healing spirits, and not such as were for the putting of all things into confusion and disorder; but the people well knowing their persons, designs, and interests, and that yet nothing could prevent tyranny and confusion but the settling of such a government as would provide for common good and needed not the military sword to uphold it, but would be supported by the affection of the people, stick close to the former resolution, and pleased in the first place to cry up me as one they would entrust in that assembly. The other party, finding mine greater than any of theirs when divided, unite in their first vote for Sir Anthony Cooper, whom the under-sheriff on the view adjudgeth to be first chosen, though the party that appeared for me conceived themselves much injured therein; but the other party had all the power in their hands, and knew they should be protected by him, who called himself the Protector, do they what they would.

P. 377 l. 22 is thus :*

SIR ANTHONY ASHLEY COOPER, who was first for the King, then for the Parliament, then in Cromwell's first assembly for the reformation, and afterwards for Cromwell against that reformation, now being denied Cromwell's daughter Mary in marriage, he appears against Cromwell's design in the last assembly and is therefore dismissed the council, Cromwell being resolved to act there as the chief juggler himself, and one Colonel Mackworth, a lawyer about Shrewsbury, a person fit for his purpose, is chosen in his room, &c.†

* This is to be inserted after the words "departed from that kingdom," vol. ii. p. 53 of the Vevey edition, and p. 224 of quarto edition, 1771.

† The "last assembly" spoken of in this passage is Cromwell's first parliament under the Instrument of Government, which met September 4, 1654, and was dissolved on the 22nd of January, 1655. There are several mistakes in this passage of Ludlow. Cooper had not been "in Cromwell's first assembly for the reformation and afterwards for Cromwell against that reformation." In Cromwell's first assembly, the Barebone's Parliament, he had acted in accord with Cromwell, and was a leading member of the party of moderate reformers, and, as Burnet says, "was of great use to Cromwell in withstanding the enthusiasts." It is not true that Cooper was dismissed from the Council, or that Mackworth took his place. Cooper continued to attend the Council until December 28, 1654. Mackworth had been appointed a member on the previous 7th of February. A dismissal from the Council could only have taken place, according to the provisions of the Instrument of Government, on a specific charge of misconduct after inquiry by a Committee jointly appointed by the Council and the Parliament. It does not appear even that Cooper resigned his seat in the Council, when he ceased to attend in the end of December, 1654. His name is included in a list of members of the Council, prepared at the end of 1655, printed in Thurloe's State Papers (iii. 581.) The object of this list was to show the portions of salary paid to each member of the Council, and it appears that Cooper had received no salary. This is an accidental and very satisfactory confirmation of a declaration made by Cooper, after the Restoration, in the debates on the Bill of Oblivion and Indemnity in the Convention Parliament. "He might freely speak, because

Note that this is in the book eleven leaves after that he gives account of the dissolving of this called here the

he never received any salary." (Parl. Hist. iv. 63.) The salary assigned to each member of the Council was £1000 a year. Ludlow states that Cooper opposed Cromwell in the session of parliament 1654-5. It may be that Cooper made some opposition to Cromwell in the Council, and was not a sure supporter in parliament; and some misunderstanding probably took place, which led to his ceasing to attend the Council after December 28, 1654. Three weeks after the parliament was dissolved. Certainly Cooper had not been a declared opponent of Cromwell in this parliament. His name occurs in the Journals as a teller with Richard Cromwell in a division on one of the clauses of the Instrument of Government, on the 27th of November. He appears only on one other occasion as a teller; so that he was certainly not so zealous a supporter in this parliament as he had been in the Barebone's Parliament, when he was a constant teller for the Cromwell party in divisions. He was, however, frequently named on Committees in this parliament. Mr. Martyn's account of Cooper's opposition on the meeting of this parliament, refusal to sign the declaration required, and subsequent exclusion, is all fiction. (Life i. 165-8). The story of Cooper's wishing to marry a daughter of Cromwell is also mentioned by Anthony Wood in his sketch of Shaftesbury in the Athenæ Oxonienses (iv. 71, Bliss's edition) and by Oldmixon (Lives of the Chancellors, i. 148,) but neither of these writers mentions Mary Cromwell by name. I think this story cannot be received as certain truth. It is probable that Cromwell, who certainly recognized Cooper's importance, would have encouraged the addresses of a person of his rank, fortune, and political abilities. I am unable to fix exactly the date of the death of Cooper's second wife, Lady Frances Cecil; but it was probably some time in 1654. If, therefore, Cooper's unsuccessful suit to Mary Cromwell was before his secession from Cromwell's Council in December, 1654, it was rather soon after he became a widower. Mary Cromwell afterwards married Lord Falconbridge, and graced the Court of Charles the Second. Cooper, in the course of the year 1656, married Margaret, daughter of the second Lord Spencer of Wormleighton, and sister of the third Lord, who was created Earl of Sunderland by Charles the First, and had fallen fighting for the royal cause at Newbury. The son of this Earl of Sunderland, a boy at the time of Cooper's marriage with his aunt, rose to be the chief Minister of Charles II. before the close of Cooper's career. Halifax, who was a nephew of Shaftesbury's first wife, married a sister of Sunderland and niece of his third wife. Seven and twenty years hence Shaftesbury was flying for his life

last assembly, in which eleven leaves he writes of Cromwell's proceedings against the Cavaliers, and many other particulars, and immediately after the imprisonment of my Lord Grey and his baseness to Colonel Sexby. This concerning Sir Anthony is written p. 377.

When the Long Parliament was restored by the army in Richard Cromwell's time and the parliament had appointed a Council of State which was to consist of thirty-one persons, p. 513, l. 6, it is thus :†

MR. LOVE (in consideration that Sir Anthony Ashley Cooper had voted with the commonwealth party in the last Convention,) moved that he might be one, though his affections were well known to be to another interest, and Mr. Nevill having hopes that Sir Horatio Townsend was a friend to the commonwealth for the same reason moved for his addition, which two motions being upon the rising of the house made on a sudden before any could recollect themselves to speak against them, there

from a government of which his two nephews, Halifax and Sunderland, were the chiefs. The third wife of Cooper was niece of the royalist Earl of Southampton, who was appointed Lord Treasurer immediately after the Restoration, and under whom Cooper, then Lord Ashley, was Chancellor of the Exchequer. Sir Anthony Ashley Cooper's third wife lived to share all the honours and troubles of his future career, and survived some years his melancholy death in exile. She had no children, but she reared with a mother's care her husband's son by his second wife, and afterwards with the same care watched over the delicate boyhood of that son's son, the future author of the "Characteristics." She is described as a woman of exemplary virtue and strong religious feelings. Though these feelings were probably not shared by Shaftesbury, they lived on terms of the warmest affection; and she was disconsolate after his death. Virtues and amiable qualities must have existed in one so loved by such a wife.

† Vol. ii. p. 656, line 11 from bottom of Vevey edition, and p. 277 of quarto edition of 1771.

being also an unwillingness to disoblige those of whom there was any hope, were consented to.*

* There is an interval of more than four years between the periods referred to in this passage of Ludlow and in the last. Richard Cromwell's parliament was dissolved April 22, 1659. The dissolution had been forced on Richard by the officers of the army, who held their head-quarters at Wallingford house, and were led by Fleetwood and Desborough. On the dissolution of the parliament, Richard Cromwell's power and authority were gone, and the Protectorate was at an end. The officers of Wallingford house now betook themselves to the Republican party to help them to form a government. Fleetwood and Desborough both desired to retain Richard Cromwell as Protector, shorn of the command of the army. But this did not suit the views of the large majority of the officers of the army, who were strong Republicans, or of another military magnate, Lambert, more powerful in the army than either Fleetwood or Desborough. Lambert had been cashiered by Oliver Cromwell, and, at the time of the dissolution of Richard Cromwell's parliament, had no commission. Several officers who had remained faithful to Richard Cromwell to the last being now deprived of their regiments, Lambert was appointed colonel of one of these, and took a place in the Council of officers. Animated probably by revenge and ambition, he strongly opposed Fleetwood and Desborough's project in favour of Richard Cromwell, and led the movement for reestablishing a Republic under the Rump. Several meetings were held at the house of Sir Henry Vane between a deputation of the army of which Lambert was the chief, and Vane, Haslerig, Ludlow, Scot, and Salwey, members of the Rump and representing the Republican party. On the 7th of May 1659, forty members having been got together with difficulty, Speaker Lenthal again took the chair of the Long Parliament; and thus was the Rump restored by the same power of the army by which Cromwell, six years before, had dissolved it. Several of the Presbyterian members excluded in 1648 tried now to enter and take their seats, among others, Sir George Booth, Sir John Evelyn, Prynne, and Arthur Annesley; but soldiers kept them out. Ludlow, in the first conferences with the Wallingford house officers, had represented that there were a hundred and sixty members still living of those who had sat after the execution of the King; but the number who took their seats in the restored Rump fell far short of this, and did not exceed ninety. (Ludlow's Memoirs ii. pp. 633-651, Sir R. Baker's Chronicle, ed. 1684, pp. 641-4, Guizot, Protectorat de Richard Cromwell et Rétablissement des Stuart i. 131-143.) The parliament, immediately on its restoration, appointed a Committee of Safety to exercise

In the following page, line 21* is thus :

AND when the Wallingford house party (which was the Council of officers, Lieutenant General Fleetwood &c,) had taken the oath that was directed by the parliament to be taken by every member of the Council of State before he took his place, the effect whereof was to be true and faithful to the interest of the commonwealth and to oppose Charles Stewart or any other single person whatsoever, they came but seldom to discharge their duty, pretending that, by reason of Sir Anthony Ashley Cooper's being of the Council and Sir H. Townsend, they could not with freedom speak their minds there nor carry on the public work, they supposing these persons to be assured to Charles Stewart's interest and that they would

the administrative power till they had time to arrange for the appointment of a Council of State. They proceeded to elect this Council on the 13th of May, four days after. It was resolved that the Council should consist of thirty one members, twenty one members of the parliament, and ten who were not members. Seven of the latter were elected on that day, and one of these seven was Sir Anthony Ashley Cooper. Sir Horatio Townshend was another. It is very probable that these two elections were made, as Ludlow represents, in a hurry and as the House was rising. See Commons' Journals, May 13, 1659, where it will be seen that it was the last business done that afternoon. Cooper's zealous opposition to the governments of Oliver and Richard Cromwell, and cooperation with the Republican party, in the two preceeding parliaments, will be seen by his speeches printed later. Sir Horatio Townshend was a young man, of a royalist family, but who, having lost his father during his minority, and having lately become of age, had entered the Cromwell parliaments and made opposition. He was rewarded after the Restoration by being raised to the peerage as Baron Townshend: in 1682 he was made Viscount Townshend. His son, the second Viscount, was Prime Minister in Queen Anne's reign, the brother-in law of Sir Robert Walpole. Another more celebrated descendant was the witty and eloquent Charles Townshend, a younger son of the third Viscount, whose fame is embalmed in a well-known speech of Burke.

* At the bottom of p. 657 of vol. ii. of Vevey edition and at p. 278 of quarto edition of 1771.

give intelligence to him of all that passed. That we might remove this rub, endeavours were used with them both to manifest their affections to the public, for removing of jealousies between the parliament and the army, by desiring the House to excuse them from that employment, or at least to forbear coming to the Council. Sir H. Townsend very ingenuously chose to do the latter, pretending occasions of his own which drew him into the country. But Sir Anthony having it in design to be a *boutefeu* between the parliament and the army as his after carriage will make appear, makes use of this occasion and comes into the Council with much confidence and moves with much importunity to have the oath administered to him, professing himself ready to take the same, yet having a secret resolve to break it at the same time (as there was ground to suspect,) but the Council not having any power to refuse it him permitted him to take it. And being thus ensnared, as the best remedy to prevent inconveniences, they appoint a Committee of examination and secrecy, whom they entrusted with great powers, to wit, Lieutenant General Fleetwood, Sir Henry Vane, Major General Lambert, Major Salloway, Mr. Scot, Serjeant Bradshaw, and myself: yet so hot and confident was Sir Anthony grown that to pursue his mischievous design, he solicits the parliament that they would admit him to sit upon an election of seventeen or eighteen years' standing, which never was adjudged, and we could find no better way to put him off (so far had he insinuated into the members) than to refer the consideration thereof to the committee of five formerly appointed by the parliament for the receiving of satisfaction touching those members who had not sat from 1648, who alleging

their powers were at an end, it was referred to them to search their books, and state matter of fact in relation thereto.*

* The case of Sir A. A. Cooper's election for Downton was referred to the Committee named by Ludlow on May 10, the day after the restoration of the parliament, and three days before Cooper's election to be a member of the Council of State. Cooper was not admitted to sit in the House, and again there is no explanation of the reason why. Ludlow is not always accurate, and I think it is doubtful whether Cooper took, as he says, any oath to oppose Charles Stuart, or any other single person. I have been unable to find in the Commons' Journals or elsewhere the words of the oath prescribed for the members of the Council. Fleetwood did not take it, though Ludlow says he did. It is entered in the Commons' Journals, May 23, 1659, "Resolved, that Lieut. General Fleetwood and Colonel Sydenham be admitted to sit and act as members of the Council of State, upon their promise and declaration to do and perform the things contained in the oath appointed to be taken by every member of the Council, as well as if they had taken the said oath, and that it be referred to the Council to dispense in like manner with any other member thereof that shall in point of conscience scruple at the formality of the oath, as there shall be occasion." However, if Cooper took such an oath as Ludlow describes, or whatever was the oath imposed, it is pretty clear that he acted faithfully as a member of the Council so long as it lasted. There is no doubt that Cooper was distrusted at the commencement by several of his colleagues in the Council; and this is probably the reason why the case of his election for Downton was not adjudged in his favour. Whitelocke states, under date May 18, that Scot in the Council accused Cooper and himself of being in correspondence with the King. Whitelocke says that Scot got his information from "a beggarly Irish friar;" he denies the charge as against himself, but implies that it was just as to Cooper. "Sir A. A. Cooper made the highest professions that could be of his innocence, and the highest imprecations of God's judgments upon him and his posterity, if ever he had any correspondence with the King, or with Sir Edward Hyde, or any of the King's ministers or friends, and his expressions were so high that they bred in some the more suspicion of him; but at this time he was believed, and what followed afterwards is known." The passages quoted in the next note from the royalist correspondence in the Clarendon State Papers are pretty conclusive proof that Cooper had no correspondence with the King or any of his ministers or agents; and I have no doubt that the following solemn

P. 571 l. 9.*

THE parliament sent a committee to the Tower to examine Sir George Booth touching the plot wherein he had been engaged, both as to the authority which he pretended to act by, and as to those who were engaged to join with him therein; he confessed he had received a commission from the King and that many of the nobility and gentry were engaged with him for the carrying on of the design; some he discovered, but took time to discover the rest; and upon examination of a

statement made by Shaftesbury in his letter written to King Charles II. from the Tower in 1677 was true; "I had the honour to have a principal hand in your restoration; neither did I act in it but on a principle of piety and honour. I never betrayed, as your Majesty knows, the party or councils I was of. I kept no correspondence with, I made no secret addresses to, your Majesty; neither did I endeavour to obtain any private terms or articles for myself or reward for what I had done or should do." (Locke's works, ix. 282.) Mr. Martyn, who says that he follows Stringer, states most erroneously that Cooper never sat in this Council. Martyn refers also in support of his statement to a tract called "England's Confusion," printed in the Somers Tracts (vol. vi. p. 521,) by which he says it appears that neither Sir A. A. Cooper nor Sir H. Townshend ever sat or acted in the Council. But the tract does not say so; it describes all the members of the Council abusively, except Cooper and Townshend, saying of the latter that he was "a gentleman of too good estate to be hazarded with such a crew," and of Cooper that he was "a gentleman too wise and honest to sit in such company." Townshend probably never sat in the Council. Cooper did. The minutes of this Council preserved in the State Paper Office begin only on the 11th of August. Then Cooper was absent from the Council, in Dorsetshire, and afterwards he was charged with having abetted Sir George Booth's rising. But after he was acquitted of this accusation he attended the Council constantly till the revolution made by Lambert and Fleetwood in October; and I have no doubt that Cooper had frequently sat in the Council between May and August.

* Vol. ii. p. 696 of Vevey edition and p. 294 of quarto edition of 1771. The whole of this passage, except the last sentence referring to Shaftesbury, is printed in Ludlow's Memoirs in somewhat different words.

boy which brought, as was supposed, a letter from Sir George Booth before his rising to Sir A. A. Cooper, it was found that he dismissed the boy with much civility, in token of consenting to what was done.*

* See the extracts from the Council book relative to the charge against Sir A. A. Cooper of having abetted Sir George Booth's insurrection, printed at p. 133. It will be seen that he was acquitted after much consideration by a numerous Committee of the Council, which no one can say was packed in his favour; and the following series of extracts from the correspondence carried on in 1659 between Hyde and the royalist agents confirms the Council's acquittal. Immediately after Richard Cromwell's fall and the return of the Rump, the royalist agents became very active, and appear to have had hopes of Cooper. One of them, Brodrick, writes to Sir E. Hyde, May 23, "Sir George Booth, who undertook part of Lancashire and Cheshire, is not yet gone, nor Sir A A. Cooper, who engaged for three or four hundred horse in Dorsetshire." (Clarendon State Papers, iii. 478.) Now this Brodrick is described by Lord Mordaunt, the King's best agent, in a letter written June 7, as a very indiscreet and dangerous person and given to drink. (*Id.* p. 483.) It is probable that Brodrick's statement about Cooper is an exaggeration of his own hopes. Mordaunt, however, had also had hopes of Cooper, which were disappointed; and the King was fruitlessly trying to gain him. Hyde writes to Mordaunt, June 13, "I would to know whether you have the same good opinion still of Sir A. A. Cooper, and whether he received the King's letter." (*Id.* p. 488.) Mordaunt replies, June 16; "Sir A. A. Cooper is rotten and sits, he never knew he had a letter, being shy when taxed by Sir George Booth." (*Id.* p. 490.) Now at that time all who had engaged for the general rising were preparing. Hyde thus rejoins, July 3; "I am sorry Sir A. A. Cooper hath so much disappointed your expectations, which no doubt is not for the reason he gives, for he is too wise to think it possible that the King would write to any subject to assist him, whose estate he had given away as forfeited, nor doth he believe himself a delinquent of that magnitude." (*Id.* p. 512.) It is clear from these passages that Cooper did not join in the designs of the King's friends; but that hopes should have been conceived of him by the royalists, and suspicions by the republicans, at this period of constant change and uncertainty, is not surprising. It would have been difficult and very dangerous for him, as a member of the Council of State, to enter into Sir George Booth's scheme. There are later references to Cooper in the Clarendon State Papers showing that even to the last, and when Cooper was without doubt assisting

When the Wallingford house party had put a stop to the sitting of the parliament, and Monk marching from Scotland had declared against, pretending to be for the parliament and commonwealth, but underhand carrying on his design of setting up King Charles, p. 621, l. 19, it is thus:*

SIR ANTHONY ASHLEY COOPER, also a great instrument in this horrid treachery, as he was most active amongst those of the Parliament who were consulting for their restitution, so notwithstanding the affronts he had formerly put upon me, the Lord Arundel being pressed by the trustees and contractors at Drury House for the paying in of thousands of pounds which he was in arrears for some lands which they had sold of his to some of his friends, and which Cromwell had discharged him of, they not allowing that to be a sufficient discharge threaten him to sell the land again according to a com-

to restore Charles II., he was acting independently of the royalists. Thus Lord Willoughby writes to Hyde in February, 1660, "Sir William [Waller] and Sir Anthony are his Majesty's fast friends, but whether the Presbyterians will not be high in them, as to the proposals when they come to be made, is the only doubt." (Clarendon State Papers, iii. 689, Feb. 24, 1660.) And on the 26th of the same month Brodrick writes to Hyde, under the assumed name of Hancock, suggesting that power should be given to Charles Howard and Robert Howard to make promises to Monk and his party for the event of the Restoration, and adds, "Sir A. A. Cooper endeavours this same way earnestly, but I do not perceive any desire in him to be mentioned in this kind by Hancock." (*Id.* p. 681.) I think it likely that in the confusion and uncertainty of the first weeks after the fall of Richard Cromwell's parliament Cooper was addressed by, and gave hopes to, the Presbyterians who were now ready to take part for the King: but I think it also certain that, after becoming a member of the Council of State, he kept clear of plots incompatible with his position.

* This passage should be inserted probably at p. 765 of vol. ii. of the Vevey edition and at p. 323 of the quarto edition of 1771.

mand they had received from the parliament to that purpose, if he forthwith paid not the said arrears. It being apprehended that my letter to them might be of service to him therein, he the same Sir Anthony, coming to me with him to desire me to write on his behalf, professed to be very affectionate to the interest of the commonwealth, which he did so to the life that I was much pleased therewith, having always believed him to be otherwise inclined. But notwithstanding his fair words, I was not so confident of him as to repose any great trust in him, he having played fast and loose so often, declaring sometimes for the King, then for the Parliament, then for Cromwell, afterwards against him, and now for the Commonwealth.*

When Monk drew nigh to London, and was always declaring highly for the parliament and commonwealth, whereas he modelled his army for another design, p. 690, l. 11 it is thus:†

It was wonderful to consider how with fair words those who used to be watchful to discover what was for their interest were lulled asleep; Chief Justice St. John himself, who even in this session prepared and procured the Parliament to pass a declaration against monarchy and

* Another military revolution headed by Lambert and Fleetwood had again broken the Rump parliament on the 13th of October. Sir A. A. Cooper was one of the members of the Council of State who remained faithful to their trust, protested against the new usurpers, laboured to overthrow the Committee of Safety now constituted, corresponded with Monk who also declared for the Rump and against the Committee of Safety, and ultimately succeeded in restoring the Rump, December 26, 1659. See notes later on Nos. 4, 5, and 6 of Letters and Papers during the Protectorate and to the Restoration.

† Vol. ii. p. 809 of the Vevey edition and p. 312 of the quarto edition of 1771.

for a commonwealth, and Reynolds who had bought public lands as well as the other, in crushing the friends of the Commonwealth and preferring those of a contrary principle (if of any,) acting as if they had designed nothing less than what they pretended to and what their interest led them to, scarce one of ten of the old officers of the army are continued, Sir Anthony Ashley Cooper, a known bitter enemy to the public and to all good men, on a disputable election of eighteen years' standing, against all reason and common justice, is admitted to sit as a member of parliament because he had joined with some of them in opposing the army at this time, which Charles Stewart himself would have done, might he have been admitted into the confederacy. They bestow also a regiment of horse upon him, which by his policy he modelleth with officers for his turn, and by his smooth tongue and insinuating carriage bears a great sway in parliament.*

* No one had done more than Cooper in overthrowing the Committee of Safety and restoring the Rump, December 26, 1659. The first act of the parliament on its restoration was to appoint Sir A. A. Cooper, Alexander Popham, Colonel Thompson, Scot, Colonel Okey, Colonel Alured, and Colonel Markham, commissioners to take temporary command of the forces, until Haslerig, Morley, and Walton, three of the seven commissioners for the command of the army who had been appointed on the 12th of October, just before the suppression of the Rump by Lambert and Fleetwood, returned to London from Portsmouth. Haslerig, Morley, and Walton returned on the 28th. In the mean time Sir A. A. Cooper and his colleagues had taken prompt and skilful measures for dispersing the forces collected under Lambert in the North. The care of the government of the Tower was also entrusted, December 26, to Sir A. A. Cooper, Weaver, Scot, and Berners. (Comm. Journ.) Colonel Morley was appointed Lieutenant of the Tower, on the 7th of January. A Council of State consisting of thirty one members, twenty one members of the parliament, and ten not belonging to it, was appointed on the 2nd of January, to continue till the 1st of April. Cooper was elected by the largest number of

When Monk was come to London, p. 705, l. 35,* it is thus:

votes of the ten not belonging to the parliament. A few days after, the case of Cooper's old election for Downton was referred with Lord Fairfax's case to a Committee, which reported on the 7th January that he had been duly elected. This report was immediately adopted by the House, and Sir Anthony at once took his seat for Downton. Shortly after, he was appointed colonel of the regiment of horse which had been Fleetwood's. (Journals, Jan. 2, 5, 7, 18.) Though Ludlow considers Cooper as now acting with the royalists, this party was not in his secrets. Brodrick thus writes to Hyde about him and Popham, Dec. 30, "Alexander Popham was in recompense chosen one of the seven generals to take care of the army in the absence of Haslerig, Walton, and Morley, expected two days after, so that his dignity lasted double the time of Bibulus's Consulship, and to us appeared twice as ridiculous. Sir A. A. Cooper seems very eager in establishing these people, but the friends of both these great men find plausible excuses for every action of theirs." (Clarendon Papers iii. 637.) Lord Mordaunt in a letter of the 14th of January gives a very interesting sketch of the state of things in this parliament and Cooper's position. "The present complexion of the parliament is very pale. Sir Arthur Haslerig, undermined by Cooper, Morley, and Weaver, and from a Rhodomont is reduced to a pitiful rogue. . . . . Cooper yet hath his tongue well hung, and works at will, and employs his rhetoric to cashier all officers civil as well as military that sided with Fleetwood and Lambert; and Morley rebukes all the sectaries. Thus these two garble the army and state. . . . . The parties in the House are diametrically opposite; the three and twenty with Cooper, who acts Cicero, and some sixteen with Neville who represents Anthony." (*Id.* 650.) The Republicans and Presbyterians who had combined against the Committee of Safety to restore the Rump were now pursuing different objects; the latter under Cooper were endeavouring to persuade Monk to restore the secluded Presbyterians. It will be seen by the citations in the note later on No. 8 of Letters and Papers during the Protectorate and to the Restoration, that the object of Cooper and his Presbyterian friends was now to restore the King on conditions. This object was not disclosed to the Royalists, who desired an unconditional restoration, and looked on Cooper's proceedings distrustfully. As generally befals those who endeavour to steer an independent course between opposing parties, Cooper and his friends were now distrusted both by Republicans and Royalists, and accused by each of favouring their adversaries.

* At p. 822 of vol. ii. of the Vevey edition and p. 347 of the quarto edition of 1771.

In the meantime the secluded members held their cabals with the city of London for the carrying on of these designs, and some of those members who sat, especially Sir Anthony Ashley Cooper and Colonel Feilder, had correspondency with them.*

* Monk had entered London on the 3rd of February. The secluded Presbyterian members were restored on the 21st; and Sir A. A. Cooper, now colonel of a regiment of horse, commanded the guard appointed to escort them into the House. (Coke's Detection, ii. 95.) This had been Cooper's object since the last restoration of the Rump: and in obtaining this triumph over his former republican coadjutors, Haslerig, Scot, Nevil and others, he and his followers in the Rump finally separated from them. Mr. Martyn tells a story that Haslerig and Scot had been the day before with Monk and, leaving him with the conviction that he was in their interest, had been overheard to say that they would secure Sir A. A. Cooper before the next noon, and that Cooper, receiving information of this, took measures immediately in concert with Monk's wife and her brother Clarges to procure a promise from Monk to restore the secluded members the next day. Monk, it is said, gave Cooper and Clarges a commission to summon the secluded members the next day to Whitehall to be conducted to the parliament, and when Haslerig came to Monk the next day, and found so many of the secluded members, "with great resentment in his countenance he said to Sir Anthony, 'This is your doing, but it shall cost blood.' Sir Anthony replied, 'Your own, if you please; but Sir Anthony Ashley Cooper will not be secured this morning.'" (Life i. 230.) This comes from what is perhaps the best portion of Mr. Martyn's Life, much of which has come from Shaftesbury himself, but which still is not free from errors and obvious exaggerations. That Sir A. A. Cooper was one of those most consulted by Monk at this time, and that he laboured zealously to persuade Monk to restore the secluded members, are facts beyond all doubt. Independent testimonies to these facts are found in Bishop Kennet's Register, pp. 59, 61, 62, Sir R. Baker's Chronicle ed. 1684, p. 687, and Gumble's Life of Monk, p. 261. Sharp, agent for the Kirk of Scotland, writing to his brethren in Edinburgh, says he had immediate access to the General who recommended him to Sir A. A. Cooper and Mr. Weaver, two parliament-men, February 14. (Kennet, p. 59.)

VI. LETTERS AND PAPERS DURING THE PROTECTORATE AND TO THE RESTORATION. 1657—1660.

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1. *Sir A. A. Cooper to Henry Cromwell, September* 10, 1657, *asking a favour for his brother-in-law, Viscount Moore.** [Reprinted from Thurloe's State Papers, iv. 506.]

My Lord and Father,

I hear from my brother Moore that your Lordship blames me for not answering a letter of yours about

* This very curious letter, which I have unearthed from the bulky Thurloe collection of papers, shows the greatest intimacy with Henry Cromwell, notwithstanding Cooper's present political estrangement from the father. This had gone so far that, on the meeting of Cromwell's second parliament in September 1656, Cooper was one of the members to whom the Council refused a certificate of approval, and he had been in consequence excluded. Shaftesbury appears to have had the faculty of retaining old friendships in his political changes, and of living on friendly terms with political opponents. It may be inferred from this letter that Cooper had been intimate in Cromwell's family; and some may think that it gives support to the story of his having been in love with Mary Cromwell. "My brother Moore," is Henry, third Viscount Moore created Earl of Drogheda after the Restoration, who was Sir A. A. Cooper's brother-in law through his last marriage, having married Alice, fifth daughter of Lord Spencer of Wormleighton. It is strange that this letter should have escaped Mr. Martyn, who appears to have searched the Thurloe papers, and who makes the following state-

some business. I really profess I received none such, or else you mought* have been assured of an answer; for there is no person in the world more desires to retain your Lordship's affection and good opinion. You have many love his Highness's son, but I love Henry Cromwell, were he naked, without all those glorious additions and titles, which, however, I pray may continue and be increased on you.

My Lord, I must yet this once trouble you in the behalf of my Lord Moore, for whom you have already done so great favours. He has now prepared his business fit for your last act of perfecting your goodness to him, his Highness having referred it wholly to your Lordship and the Council there. 'Tis not possible he should buy any way but in land until his act pass, and he have time for sale; besides the land he offers lies so about Dublin, that it cannot but be convenient for the state. If it be as they inform, I wish it in your Lordship's possession on any pretence, and there will be enough officious to get it confirmed yours; but that is only a fancy of my own on the sudden. My request for myself is that you love me, and ever believe there is no manner of expression enough to tell you, how really cordial and unchangeably I am, my Lord, your Excellency's most devoted humble servant and dutiful son,

ANT. ASHLEY COOPER.

ment, "Through the whole collection of Secretary Thurloe's papers there is no mention made of Sir Anthony but in two letters, wherein he is suspected among others to be well affected to the King, and to have remitted money to him." (Life i. 164, note.) I have not been able to find the two letters here spoken of. I have no doubt that the suspicions were erroneous. Henry Cromwell was at this time Lord Deputy in Ireland.

* This time I have retained the word *mought*, which is always used by Shaftesbury for *might*.

2. *General Monk to Sir A. A. Cooper, June* 4, 1659; *soliciting his influence, as member of the Council of State, to prevent a change among Monk's officers.** [Printed in Martyn's Life.]

HONOURABLE SIR,

It is some trouble to me that, the first time I should have occasion to write to you, it must be to request a favour at your hands. But I hope you will please to pardon this my incivility and boldness, and place me in the list of your friends; for I can assure you I shall be as ready to serve you as any friend you have. Understanding that there is a committee appointed by Parliament for the presenting of officers to be continued in the several regiments in England, Scotland, and Ireland, and knowing the officers here were, upon the first motion, most desirous that the Long Parliament might be recalled to return to their former station, I make it

* This letter was written to Sir A. A. Cooper as a member of the Council of State elected by the Rump immediately after its restoration in May, 1659. See note at p. 118. Similar letters were written by Monk to other members of the Council and to the Speaker, who read to the House his letter. (Comm. Journ. June 9.) Sir A. Haselrig was commissioned to prepare an answer, which may be read in the Journals, June 10. The answer was rather curt, but, though compliance was not promised, Monk's desire was in fact complied with, the Parliament and the Council attaching great importance to his support. Mr. Martyn ascribes Monk's success on this occasion to Cooper's exertions with his friends in the parliament, which is absurd, for at this time Cooper was not in the parliament and was regarded with suspicion by many of the Council. He goes on to say, still more absurdly, "that Cooper's exertions in Monk's favour caused jealousy, and led to his being accused by Scot in the Council of holding correspondence with the King and Hyde. (Life i. 204). Scot's accusation was prior to the date of Monk's letter, and could have nothing to do with Monk. See note at p. 122.

my request to you, that you will be assisting that there may be no alteration amongst the officers belonging to the forces here; for I shall desire you to find credit herein, that you may be confident that there is not any you can employ will be more ready to serve the Commonwealth than they. But in case my request for the whole cannot be granted, I shall entreat that the officers of my own regiment of horse and foot, and Colonel Talbot's regiment (a list whereof I have sent inclosed) may be continued: they have usually quartered nearest me, and so are best known to me. I shall also desire you will acquaint as many members of the house as you shall think fit to engage in this business, by doing which you will very much oblige,

Your humble servant,

GEORGE MONK.

Dalkeith, 4th June, 1659.

For the Hon. Sir Anthony Ashley Cooper,
One of the Council of State, at Whitehall.

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3. *Extracts from the Privy Council Book, August and September* 1659, *relative to Sir A. A. Cooper's arrest on suspicion of complicity in Sir George Booth's insurrection.** [From the State Paper Office.]

* See note on one of the suppressed passages of Ludlow's Memoirs at p. 124. Nicholas is the boy mentioned by Ludlow who took a letter from Sir George Booth to Cooper, and is described in the Commons' Journals, Sept. 14, 1659, as of West Gowie, Glamorganshire. The report of the Council was made to the Parliament on September 12, and adopted without a division on September 14. M. Guizot will probably admit that he has been misled in stating that Cooper, though acquitted, was justly accused; "Accusé à bon droit de complicité dans l' insurrection, Sir

THURSDAY, AUGUST 25, 1659.

PRESENT.

Sir A. Hesilrige, *President*,	Lord Fleetwood,
Lord Warriston,	Sir Henry Vane,
Mr. Neville,	Colonel Thompson,
Mr. Berners,	Colonel Dixwell,
Lord Whitelock,	Lord Bradshaw,
Mr. Chaloner,	Major Salwey,
Sir James Harrington,	Colonel Morley,
Mr. Scot,	Colonel Downes.

That a letter be written to Major James Dewey, letting him know that the Council have received his letter of the 21st instant with the enclosed copy of the examination of John Nicholas, and that they do approve of his proceedings whereof he gives an account therein, as also that, the parliament having referred the whole business to the Council's examination, that therefore he give Sir A. A. Cooper his liberty, whom the Council have written unto to repair immediately unto them, and that he send up the witnesses in safe custody.

That a letter be written to Sir A. A. Cooper, letting him know that, the parliament having referred to the examination of the council the matters relating to him contained in the examination of John Nicholas and the letter of Major Dewey, that in pursuance thereof the council do desire that he will forthwith make his repair hither.

Antoine Cooper, sur le rapport de et Rétablissement des Stuart i. Nevil, fut déclaré innocent." 211.)
(Protectorat de Richard Cromwell

SATURDAY, AUGUST 27, 1659.

PRESENT.

Sir A. Hesilrige, *President*,
Lord Whitelock,
Colonel Morley,
Mr. Scot,
Sir James Harrington,
Colonel Walton,
Lord Bradshaw,
Sir Henry Vane,
Major Salwey,
Colonel Thompson,
Colonel Dixwell.

That the information sent up to the Council by Major Dewey concerning Sir A. A. Cooper be referred to the Lord Whitelock, Lord Bradshaw, Sir Henry Vane, Colonel Walton, Colonel Morley, Major Salwey, or any two of them to call for papers and persons before them, examine the truth of the information, and make report to the Council.

TUESDAY, AUGUST 30, 1659.

PRESENT.

Sir A. Hesilrige, *President*,
Lord Fleetwood,
Lord Whitelock,
Sir Henry Vane,
Colonel Morley,
Lord Bradshaw,
Lord Warriston,
Mr. Scot,
Mr. Berners.

That a letter be written to Mr. Whiteway and Mr. Butler, two of the justices of the peace, or one of them, to send up to the Council the original of the examination of the witnesses touching Sir A. A. Cooper, under their own hands, there being only copies of them returned.

SATURDAY, SEPTEMBER 10, 1659.

PRESENT.

Sir Henry Vane, *President*,	Mr. Neville,
Mr. Chaloner,	Sir Arthur Hesilrige,
Sir James Harrington,	Mr. Reynolds,
Major General Disbrow,	Lord Warriston,
Colonel Downes,	Colonel Berry.

That the Lord Warriston and Mr. Neville, General Disbrow, Sir James Harrington, Colonel Downes, Mr. Reynolds, Mr. Chaloner, Sir A. Hesilrige, Mr. Berners, and Colonel Berry be added to the Committee to whom the business touching Sir A. A. Cooper is referred.

MONDAY, SEPTEMBER 12, 1659.

PRESENT.

Sir Henry Vane, *President*.	Sir Arthur Hesilrige.
Colonel Thompson,	Mr. Scot,
Mr. Berners,	Colonel Dixwell,
Lord Warriston,	Lord Bradshaw,
Mr. Neville,	Major General Disbrow,
Colonel Walton,	Lord Fleetwood,
Colonel Sydenham,	Colonel Downes.

That it be humbly reported to the Parliament that, upon the examination taken before the Council or otherwise in the business of Sir A. A. Cooper referred to the examination of the Council by order of Parliament, it doth not appear to them that there is any just ground of jealousy or imputation upon him, and Mr. Neville is desired to make this report.

That the sum of five pounds be paid to Lewis Evans, Leonard Parry, and Thomas Miller out of the Council's contingencies, which the Council have thought fit to allow them for defraying their charges in bringing John Nicholas from Dorchester to London to attend the Council in the business informed against Sir A. A. Cooper, and that as well the said three persons as the said John Nicholas be discharged from any further attendance on the Council, and that a warrant for payment of the said five pounds be prepared accordingly.

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4. *Extracts from the Privy Council Book, October*, 1659, *relative to the interruption of the Rump Parliament by Lambert and Fleetwood.** [From the State Paper Office.]

THURSDAY, OCTOBER 13, MORNING.

PRESENT.

Lord Whitelock, *President*,	Lord Lambert,
Sir James Harrington,	Major Salwey,
Mr. Nevill,	Colonel Dixwell,
Colonel Downes,	Lord Fleetwood,
Lord Warriston,	Colonel Thompson,
Sir Henry Vane,	Major General Disbrow,
Mr. Reynolds,	Colonel Berry.
Mr. Chaloner,	

* The Rump had been restored by the officers of Wallingford house, May 7 (note at p. 119.) Jealousies soon arose between the army party and the Republicans who had combined to reestablish the Rump and were jointly represented in the new Council. The weak distracted state of the Council and Parliament is graphically portrayed in two passages of letters printed in the Clarendon State Papers. "The

Ordered that the Lord Whitelock be President of the Council for the present, and that he be desired to take the chair accordingly.

confusions now," writes Major Wood, June 3, 1659, "are so great that it is not to be credited; the chaos was a perfection in comparison of our order and government; the parties are like so many floating islands, sometimes joining and appearing like a continent, when the next flood or ebb separates them that it can hardly be known where they will be next." (iii. 479.) A more particular account of the divisions in the Council at this time is given in a letter of June 7, from Lord Mordaunt, who describes the members as follows: 1. John Jones, Fleetwood, and Berry, for restoring Richard Cromwell; 2. Salwey, Vane, Lambert, and Haslerig for the Petition and Advice and an executive of seven, Haslerig, however, not always with the three others, and he and Salwey more Presbyterians than anything else; 3. Ludlow, Nevil, Sir James Harrington, and Mildmay, Republicans, "who lead the House as to plurality of voices," but want interest in the army; 4. Overton, R. Fox, and Fifth Monarchy men. (*Id.* 483.) The parliament immediately after its restoration had, on the indication of the officers of the army, appointed Fleetwood commander-in-chief, but they limited his commission to one year, and instead of authorising him to issue commissions to the officers nominated by the parliament, they resolved that the commissions should be signed by the Speaker, and that the officers should come to the House to receive them from his hands. The army had submitted to these arrangements, but most reluctantly. Sir George Booth's insurrection of August, quickly suppressed by the army under Lambert, was soon followed by a conquest by the same army over the parliament. Fifty officers of the brigade which had served under Lambert's orders met at Derby and prepared a memorial to the parliament praying that Fleetwood should be made commander-in-chief of the army without limitation of time, Lambert major general, Desborough lieutenant general of the horse, and Monk major general of the foot, and that no officer of the army should be dismissed from his command except by a court martial. The memorialists complained that the parliament had not shown enough energy in suppressing the late rebellion and had not sufficiently punished those engaged in it or sufficiently rewarded those who had suppressed it; and they pressed for settlement of the government in a representative assembly and a senate. This memorial came to the knowledge of Haslerig who immediately brought it before the House and moved that Lambert and some others should be seized and sent to the Tower. This motion was not persevered in; but a resolution was passed "that to have any more general

That all the forces of the army which are now standing at their arms, and all other forces raised by autho-

officers in the army than are already settled by the parliament is chargeable and dangerous to the commonwealth;" and by another resolution Fleetwood was charged "to communicate the order of this House to the officers of the army, and to admonish them of their irregular proceeding, and to take care to prevent any further proceedings therein by the soldiers." (Comm. Journ. Sept. 23.) A Council of officers now met at Wallingford House, where great anger was expressed, and it was resolved to prepare an address to the parliament which should not be open to the objections made against the former memorial. This address was presented by Desborough and other officers on the 1st of October; and the House took it into consideration. They were proceeding with the consideration of it, when, on the 12th October, Colonel Okey communicated a letter which he had received signed by Lambert, Desborough and seven other officers inviting him to get signatures to the address among the soldiers of his regiment. This roused the indignation of the commonwealth party. They had just received intelligence that Monk favoured the parliament against the army. Encouraged by this, they determined to proceed vigorously. The doors of the House were ordered to be locked, and votes were passed depriving Lambert, Desborough, and the other officers who had signed the letter to Okey of their commission, revoking Fleetwood's commission as commander-in-chief, and placing the government of the army in seven commissioners, Fleetwood, Ludlow, Monk, Haslerig, Walton, Morley, and Overton. There had lately been much suspicion of Lambert that he designed to make himself Protector or even King, and it was probable that when the House met the next day a motion would be carried to send him to the Tower. (Carte's Letters ii. 203, 225, 246, 263.) The next day Lambert filled the approaches to the House with soldiers and prevented the meeting of the parliament. The proceedings in the streets of Westminster, on the 13th and 14th of October, of the rival troops of Lambert and the parliament are vividly described in a very interesting letter of Mordaunt in Carte's Collection of Letters (ii. 244.) Lambert triumphed without bloodshed or blow. It will be seen from the above extracts from the Council Book that the friends of the parliament mustered strong in the Council on the afternoon of the 14th, Lambert, Desborough and Berry being absent, and passed a resolution ordering the troops which impeded the meeting of parliament to retire. The resolution was unheeded. The Council continued to sit till the 25th, when it was superseded by a Committee of Safety. Sir A. A. Cooper did not sit after the 15th, nor did Haslerig, Bradshaw, Wal-

rity of Parliament, and now upon their march or in arms, be and are hereby required forthwith, to repair to their several and respective quarters until further order from the Council. Passed *nem. con.*

That this order of the Council be forthwith communicated to the commanders of the said forces by the clerks or messengers of the Council, that the same may be done accordingly.

That the Lord President of the Council do sign the aforesaid orders.

That the Council do adjourn for one hour.

FRIDAY, OCTOBER 14, AFTERNOON.

PRESENT.

Mr. Scot, *President*,	Sir H. Vane,
Sir James Harrington,	Mr. Reynolds,
Lord Warriston,	Colonel Morley,
Sir A. A. Cooper,	Major Salwey,
Mr. Chaloner,	Mr. Neville,
Colonel Dixwell,	Sir A. Hesilrige,
Lord Whitelock,	Colonel Downes,
Colonel Sydenham,	Lord Bradshaw,
Mr. Berners,	Lord Fleetwood,
Colonel Walton,	Colonel Thompson.

ton or Nevil. Bradshaw died a few days after, having attended the Council in spite of illness to protest against the military revolution. (Ludlow's Memoirs ii. 726.) Scot and Reynolds appear to have continued to attend the Council till its meetings were suspended; but they opposed Lambert and the Committee of Safety. Vane, Salwey, and Harrington left the Republican party at this time and accepted the new order of things. M. Guizot's account of these proceedings is not quite accurate at the conclusion, where he represents the Parliament party as acquiescing in the result, and the order of the old

A letter from General Monk of the 8th of this instant was read.

That those persons that do exercise the chief power and command in the army and all others concerned be ordered to withdraw the guards about the Parliament house and Westminster and parts adjacent, to the end the Speaker and members of parliament may return to the free exercise of the legislative power and their duty.

SATURDAY, OCTOBER 15, MORNING.

PRESENT.

Lord Warriston, *President*,	Lord Bradshaw,
Lord Whitelock,	Sir A. Hesilrige,
Sir James Harrington,	Mr. Scot,
Major Salwey,	Mr. Neville,
Colonel Thompson,	Mr. Chaloner,
Mr. Reynolds,	Colonel Dixwell,
Sir A. A. Cooper,	Sir H. Vane.

The Serjeant at arms gave an account of his delivering the orders of the Council made yesterday to him that kept the guards at Westminster and another and Major Edye, and after to the Council of officers, and delivered it to the Lord Lambert, General Disbrow, Colonel Berry, Lord Fleetwood, and being withdrawn was again called in and had this answer that they had received the order of the Council and would take a convenient time to consider of it.

Council for L mbert's forces to retire as an order by way of compromise for the retirement of the troops on both sides. (Protectorat de Richard Cromwell &c. i. 228.)

AFTERNOON.

Lord Warriston, *President*,	Sir A. A. Cooper,
Colonel Sydenham,	Lord Bradshaw,
Colonel Walton,	Sir A. Hesilrige,
Lord Fleetwood,	Mr. Scot,
Lord Whitelock,	Mr. Neville,
Sir James Harrington,	Mr. Chaloner,
Major Salwey,	Colonel Dixwell,
Colonel Thompson,	Sir H. Vane.
Mr. Reynolds,	

The question being propounded that, as the condition of affairs now are, the Council having taken consideration thereof have thought fit from the time of their now sitting to adjourn unto the last Saturday of November next, and do order that this Council be then adjourned accordingly.

The question being put that the aforesaid question should be put, it passed in the affirmative; and the main question being put, it passed in the negative.

That Colonel Charles Howard, close prisoner in the Tower, have the liberty of the Tower, whereof the Lieutenant of the Tower is to take notice, taking care that he be secured.*

* Charles Howard, the eldest surviving son of Sir William Howard, knight, of Naworth, by a daughter of Lord Eure, was born in 1632. Entering on life after the death of Charles I., he attached himself to Cromwell's fortunes, and was Captain of his Guards. He was named a member of the Barebone's Parliament, and made one of the members of Cromwell's House of Lords in 1657. Cromwell also created him Viscount Howard. He was one of the officers who remained faithful to Richard Cromwell to the last; and on the eve of Richard's fall he strongly but ineffectually urged vigorous measures against the military leaders, Lambert, Fleet-

THURSDAY, OCTOBER 20.

PRESENT.

Lord Whitelock, *President*,	Sir H. Vane,
Major Salwey,	Mr. Scot,
Mr. Reynolds,	Lord Warriston,
Mr. Chaloner,	Sir James Harrington,
Lord Fleetwood,	Lord Lambert,
General Disbrow,	Colonel Berry.

That the Commissioners of the Admiralty and Navy do forthwith give order for a vessel to be ready tomorrow morning to receive aboard one of the messengers of our Council and transport him into the Sound with the Council's letters to the Commissioners Plenipotentiaries there.*

wood, and Desborough. (Sir R. Baker's Chronicle ed. 1684 p. 641, and see Guizot, Protectorat de Richard Cromwell &c. i. 123.) After the fall of Richard Cromwell, he acted with the royalists, and was arrested and imprisoned after Sir George Booth's rising. This is how he was now a prisoner. After the Restoration he was made a member of the Privy Council, and at the coronation was created Earl of Carlisle, with the additional titles of Viscount Howard of Morpeth and Baron Dacre of Gillesland. He went as Ambassador to Russia, Sweden, and Denmark in 1663 and 1664, and was afterwards Governor of Jamaica. He acted in politics with Shaftesbury in the latter part of Charles II.'s reign. He died February 24, 1684. An account of his Embassies was published in 1669.

* These Plenipotentiaries were the celebrated Algernon Sydney, Sir Robert Honywood, and Mr. Boone, who had been appointed by the Rump immediately after its restoration in May, and had been sent to mediate between the Kings of Sweden and Denmark, who were at war. The mediation had been supported by a powerful fleet under Montagu and Lawson; but Montagu had lately brought the fleet back to the Thames, under the pretext of scarcity of provisions in the Sound, but really in pursuance of a secret arrangement with the Royalist party. He had come to aid the *Presbyterian* rising of August, and, when he arrived, heard of Sir George Booth's defeat. Mr. Boone afterwards returned to England. Sydney and Honywood continued the negotiation and effected a treaty of peace.

That a messenger be in readiness against tomorrow morning to go to the Sound with a letter to the Plenipotentiaries there giving an account of the state and condition of things here, and that the letter be prepared and presented to the Council for their approbation.

TUESDAY, OCTOBER 25.

PRESENT.

Lord Whitelock, *President*,	Sir H. Vane,
Major Salwey,	Mr. Scot,
Mr. Chaloner,	Lord Warriston,
Lord Fleetwood,	Sir James Harrington,
General Disbrow,	Colonel Berry.

A letter prepared to be sent to General Monk, desiring him, for prevention of the great inconvenience that will unavoidably happen, unless care betaken of the administration of justice to the people of Scotland in their several courts, to appoint the Commissioners for administration of justice there in civils and criminals, the Commissioners of the Exchequer, the Sheriffs, and Commissaries that were in office the last term they did sit, to meet in their Courts and hold this next approaching term the 1st of November, and proceed until the next term thereafter, their proceedings to be in the name of the keepers of the Liberty of England by authority of Parliament, was now read and upon the question being agreed was ordered to be sent.*

* The minutes of the Council end on this day, October 25, and the Council was now at an end. The officers who had broken the parliament on the 13th had immediately appointed ten persons to act as a temporary Council, viz., Fleetwood, Lambert, Whitelock,

5. *Fragment of Account of a Conference of Sir A. A. Cooper with Monk's Commissioners to the Committee of Safety, November,* 1659.*

We told them our cause was not so desperate, for we had a great correspondence and interest with the inferior officers and common soldiers of every troop and company they had in their army about London. Besides,

Vane, Desborough, Harrington, Salwey, Berry, Sydenham, and Johnstone (Warriston.) They at the same time appointed Fleetwood commander-in-chief, Lambert major-general, Desborough commissary-general of the horse, and Fleetwood, Lambert, Vane, Desborough, Ludlow, and Berry commissioners for the nomination of all officers of the army. On the 26th they nominated a Committee of Safety consisting of twenty three persons. This became now the sovereign body; and it lasted just two months.

* This is unmistakeably a fragment of an account written by Shaftesbury himself of a conference with Monk's commissioners to the Committee of Safety. I have found it among Lord Shaftesbury's papers at St. Giles's, but not in Shaftesbury's handwriting. The passage is paraphrased in Mr. Martyn's account of this conference. (Life i. 212.) Martyn makes no reference to this Fragment, and probably derived his information from Stringer's manuscript. A little further on Mr. Martyn states that his account of the proceedings of Cooper and the other commissioners temporarily entrusted with the command of the army, on the restoration of the Rump, is "taken almost *verbatim* from a loose sheet of Lord Shaftesbury's manuscript." (p. 211.) This loose sheet I have not found at St. Giles's. I think there is little doubt that Shaftesbury composed an account of events from Lambert's revolution of October 13 to the restoration of the Rump on December 26, 1659, which may either have been written at the time, or may have been written later to form part of his Autobiography. Martyn probably has taken his account from Stringer, and in this way errors, which Shaftesbury himself is not likely to have committed, may have crept into his account. Thus Lambert, who was with the army in the North watching Monk, is spoken of as being in London at the time of the restoration of the Rump (p. 217;) and a similar error occurs in the Locke Memoir, also doubtless derived from Stringer. Though Lambert's triumph over the parliament was easy, it was of short duration. The Committee of Safety, constituted on the 26th of October, soon found itself in trouble and danger. Monk, to

we had Portsmouth at our devotion, and Sir Charles Coote had assured us of six thousand men out of Ireland upon the

whom Fleetwood and Lambert had hastened to announce their proceedings, replied in terms of strong disapproval; and Monk wrote at the same time to the Speaker, declaring his intention to expose himself and his army to the utmost hazards for the restitution of the parliament. He immediately proceeded to prepare his army to move. The Committee of Safety sent off Colonel Talbot and Dr. Clarges, Monk's brother-in-law, to Monk, to endeavour by explanations to persuade him to come to terms with them; and shortly after, to be prepared for the failure of these negotiators, they despatched Lambert to the North with a force of 12,000 horse and foot. Talbot and Clarges arrived at Edinburgh on the 2nd of November. Monk accepted the proposal to treat, and appointed Major Knight, Lieutenant Colonel Clobery, and Colonel Wilkes, commissioners for this purpose. He instructed his commissioners to insist on the restoration of the parliament, but, if the members should refuse to sit, then, and then only, to discuss some other form of government. The commissioners proceeded to York to treat with Lambert, and on finding that he was not empowered to treat for the restitution of the parliament, they went on to London. There the terms of a treaty were soon arranged by them with Fleetwood in disregard of Monk's instructions as to the restoration of the parliament. The treaty as arranged provided for the meeting on the 2nd of December of a general Council nominated from the army and fleet to determine a new form of government, and for the prompt summoning of a new parliament according to the resolutions of the proposed general Council. These terms of a treaty were arranged on the 15th of November, and it was probably on the following day that the meeting took place between Sir A. A. Cooper with some of his coadjutors and Monk's commissioners, to which the above Fragment refers. The meeting is said to have taken place at the Fleece Tavern in Covent Garden. The following members of the Council of State, which the Committee of Safety superseded, were acting with Cooper; Scot, Haslerig, Colonel Morley, Colonel Walton, Reynolds, Wallop, Berners, and Nevil. They had used all possible endeavours to dissuade Monk's commissioners from agreeing with the Committee of Safety to the prejudice of the Rump Parliament. Sir A. A. Cooper and the other above-named members of the Council of State, being in all nine, wrote a letter on the 19th of November to Monk, thanking him for the part he had taken for the restoration of the late parliament, and assuring him of their support and cooperation; and a few days later, the same nine Councillors framed a commission constituting Monk commander-in-chief of the forces of England and Scotland.

first notice, Vice-Admiral Lawson, who commanded the fleet now in the mouth of the river, was our firm friend,

(Sir R. Baker's Chronicle ed. 1684, p. 673.) They claimed in this to act as the Council of State appointed by the Rump parliament in May: and in the same way a little later, when their proceedings against the Committee of Safety were more matured, they gave a commission to Cooper to command the forces in and about London. Sir Arthur Haslerig, Colonel Walton and Colonel Morley were sent to Portsmouth to take possession there, the governor, Colonel Whetham, having engaged to deliver that place. All the efforts of Cooper and his coadjutors were crowned with triumph on the 26th of December, when all the support expected, as stated in the above Fragment, was forthcoming, and when Cooper acted a prominent part in reestablishing the Rump. Clarendon mentions the influence which Cooper had obtained over Lawson, the admiral of the fleet in the Thames. "That which broke the heart of the Committee of Safety was the revolt of their favourite, Vice-Admiral Lawson. . . . . This man with his whole squadron came into the river and declared for the parliament; which was so unexpected that they could not believe it, but sent Sir Harry Vane and two others of great intimacy with Lawson to confer with him, who, when they came to the fleet, found Sir Ashley Cooper and two others, members of parliament, who had so fully prepossessed him, that he was deaf to all their charms, and told them 'that he would submit to no authority but that of the parliament.'" (Hist. of Rebellion vii. 389.) Monk had refused to accept the treaty agreed to by his commissioners, but, wishing to gain time, had proposed to resume negotiations. In the meanwhile he put Colonel Wilkes in prison for having disobeyed his instructions. The fall of the Committee of Safety was celebrated in a ballad, chiefly in Monk's honour, and mentioning Cooper among others, in poetry not very good but interesting in connexion with our subject.

"Such gallant worthies are most rare;
Yet many more at Portsmouth are,
Noble Sir Arthur Haslerig
Resolves to lead a Scottish gigg
With Morley, Walton, Wallop, and
Renowned Whetham, whose command
For all our liberties do stand,
As well as our brave George.

"Sir Ashley Cooper, Scot, and more
Such honest hearts, there are good store,
The famous Lawson and the Fleet,
And London lads in every street,
Who vow to make subverters stare
At Tyburne in the open air
For doing what no King did dare,
And thus vows our brave George."

("The Noble English Worthies," in Wright's Political Ballads of the Commonwealth, vol. 3 of Percy Society Publications.)

and that my Lord Fairfax, who had the greatest interest of any man amongst the soldiers, utterly abhorred the present proceedings. Upon these discourses we found Clobery and Knight very glad that there was so fair a prospect of a better way than they were in, and assured us they would do their best to cause General Monk to break off the treaty, to refuse the terms offered, and to declare for restoring the Parliament. But Colonel Wilks persisted. Whilst these commissioners were returning to Monk, we were not idle, but Sir Arthur Haslerig and Colonel Morley went to Portsmouth, which town I had undertaken to them should be delivered into their hands, the governor, Colonel Whetham, being my friend and very long acquaintance. I was left with a commission for general of those forces we expected every day should revolt from them about London. This matter was not carried so secretly, but that some uncertain and dark discourse of it came to the Committee of Safety.

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6. *Sir A. A. Cooper, Thomas Scot, Josias Berners, and John Weaver to General Fleetwood, December* 16, 1659; *remonstrating against the proceedings of the Committee of Safety and owning an attempt made to get possession of the Tower.** [Printed in Thurloe's State Papers, vol. vii. p. 797 and in the Somers Tracts, vol. vi. p. 542.]

Sir,

Understanding you have received some disturbance of late, in examining divers persons about a design to sur-

* This letter was a manifesto published at the time. On the restoration of the Rump Parliament on December 26, Cooper, Scot,

prise the Tower; to save you further trouble, we do hereby freely own our utmost and hearty endeavours to have put that place into more faithful and confiding hands, and that by authority from the Council of State, who at the passing of that resolve had the sole legal power from the parliament of ordering, directing, and disposing of all the garrisons and forces of this Commonwealth, both by sea and land; an action so honest and honourable as would not only have given check to the exorbitances at Wallingford house and Whitehall, but was almost necessary to the preserving the peace and safety of this great city, by giving advantage to them to put themselves into a regular posture of defence, and such an encouragement to the sober party among them as would through God's mercy have utterly defeated the designs of the common enemy. Sir, let us tell you this design was not so vain but that we had by the blessing of God possessed that place some weeks since, had we not been frustrated by our mistake in the courage and fidelity of a person, whose opportunity interest, and duty, if not principles, gave us better hopes.* But in this age we are to complain and wonder

Berners, and Weaver were entrusted with the temporary command of the Tower. Whitelocke, under date December 24, records; "The Speaker with Cooper, Reynolds, Weaver, and Berners went to the Lord Mayor and discoursed with him and the Sheriffs, touching the Parliament's meeting again speedily, and found them to like well of it; from him they went to the Tower and secured that." (Memorials, p. 691.) The letter in the text refers of course to a previous unsuccessful attempt.

* Compare Ludlow's Memoirs ii. 763. "The Parliament party was not wanting to promote their interest, and to that end formed a design to get the Tower into their hands. Colonel Fitz, who was then Lieutenant of the place, had consented that Colonel Okey with three hundred men should lie dispersed about the town, prepared for the enterprise, promising that

at nothing; yet we cannot but highly resent the confidence of sending for one of our number by a party of soldiers,* as if red coats and muskets were a *non-obstante*

on a certain day he would cause the gates to be opened early in the morning, to let him pass in his coach; which opportunity Colonel Okey with his men taking, might easily sieze the guards and possess himself of the place; and their attempt might have succeeded, had it not, by I know not what accident, been discovered to the Lord Mayor, who informed the army of it the night before it was to be put in execution. Whereupon Colonel Desborow with some forces was sent thither, who changed the guards, siezed the Lieutenant of the Tower, and left Colonel Miller to command there till further order."

* The person here referred to is doubtless Cooper himself. A story is told in Martyn's Life and at greater length in the Locke Memoir of an attempt to arrest him by order of the Committee of Safety. The last words of the Fragment of the account of the conference with Monk's Commissioners are obviously an introduction to such a story. It is stated that Fleetwood sent for Cooper and, after some conversation, let him go free on his word of honour that he would not leave London. It was supposed, that his interest lying in the West, he would repair thither, whereas it had been arranged with his coadjutors that he should take command in London. It is then said that Lambert, coming in and finding that Cooper had not been secured, was much annoyed, and that orders were then given for his arrest, which he cleverly eluded. It somewhat discredits this story that Lambert was at the time not in London, but at Newcastle, watching Monk. The conclusion of the story is thus given in the Locke Memoir: "Sir A. A. coming home to his house in —— Street, in Covent Garden one evening, found a man knocking at his door; he asked his business: the man answered, it was with him, and fell a discoursing with him. Sir A. A. heard him out, and gave him such an answer as he thought proper, and so they parted; the stranger out of the entry where they stood into the street, and Sir A. A. along the entry into the house; but guessing by the story the other told him that the business was but a pretence, and that his real errand he came about was something else, when he parted from the fellow he went inwards, as if he intended to go into the house, but, as soon as the fellow was gone, turned short, and went out, and went to his barber's which was but just by; where he was no sooner got in, and got upstairs into a chamber, but his door was beset with musketeers, and the officer went in too with others to sieze him; but not finding him, they searched every corner and cranny of the house diligently,

to all laws and public privilege. Not as if that person or any of us are afraid or ashamed to own the enterprise

the officer declaring he was sure he was in the house, for he had left him there just now; as was true, for he had gone no further than the corner of the Half Moon Tavern, which was just by, to fetch a file of soldiers that he had left there in the Strand out of sight, whilst he went to discover whether the gentleman he sought were within or no; where doubting not to find him safely lodged, he returned with his myrmidons to his house, sure, as he thought, of his prey; but Sir A. A. saw through his made story, and gave him the slip. After this he was fain to get out of the way and conceal himself under a disguise; but he hid himself not lazily in a hole; he made war upon them at Wallingford house, incognito as he was, and made them feel him, though he kept out of sight." (Locke's Works ix. 277.) There is another story told immediately after in the Locke Memoir of Sir A. A. Cooper's prompt and skilful action, when on the restoration of the Rump he and six others were entrusted for a couple of days with the command of the forces, for dispersing Lambert's forces in the North. The story is probably true in the main. "The first thing he did was to get from them [the parliament] a commission to himself and two or three more of the most weighty and popular members of the house, to have the power of general of all the forces in England, which they were to execute jointly. This was no sooner done, but he got them together, where he had provided abundance of clerks, who were immediately set to work to transcribe a great many copies of the form of a letter, wherein they reciting that it pleased God to restore the parliament to the exercise of their power, and that the parliament had given to them a commission to command the army, they therefore commanded him (viz., the officer to whom the letter was directed) immediately with his troop, company or regiment, as it happened, to march to N. These letters were directed to the chief officer of any part of the army who had their quarters together in any part of England. These letters were despatched away by particular messengers that night, and coming to the several officers so peremptorily to march immediately, they had not time to assemble and debate among themselves what to do; and having no other intelligence but that the parliament was restored, and that the City and Portsmouth and other parts of England had declared for them, the officers durst not disobey, but all, according to their orders, marched some one way and some another, so that this army, which was the great strength of the gentlemen of Wallingford house, was by this means quite scattered, and rendered perfectly useless to the Committee of Safety." (*Id.* 278, and compare Martyn's Life i. p. 216 and seqq.)

before any that have a lawful authority to demand an account of it; which we are sure no single person, junto, or pack of men at Whitehall or Wallingford house have a pretence to. Sir, we have the witness with our own spirits, that we have and do cordially wish the preservation and good of you and your family: but if the Lord hath said, "You shall not hearken, but be hardened in your way," we must acquiesce in his providence, and with sorrow look upon that ruin which is flowing in upon you, as upon one in whom we thought we had seen some good.

Sir, consider that in the day of trouble, which is certainly coming upon you, what support you will have to your spirit, when you shall be assaulted with the shame you have brought upon God's people; with the breach of faith to the Parliament from whom you received your commission; with the ruin you have brought upon your native country (unless the Lord by his own Almighty arm prevent it;) and with the misery you have led the poor soldiers into, who, instead of being the instruments of renewing and settling the peace and liberty of these nations, enjoying the honour and quiet thereof, their arrears fully paid, future pay and advancement settled and established in order and with the blessing of their countrymen are now become the instruments of nine men's ambition,* have made the whole nation their enemies, and are exposed again to the hardship and hazard of a new unnatural war without prospect of our

* The nine men here referred to are probably the nine officers who subscribed the circular letter which, produced by Colonel Okey in the Parliament, caused the commotion which brought on Lambert and Fleetwood's revolution of October. See p. 139, note.

hoping that the issue of these affairs can leave their new masters so rich as to satisfy their arrears, or so secure as to trust preferments in any hands, but such whose fanatic principles, or personal relations make them irreconcilable to the public interest. But God, we trust, has raised up a deliverer, having by admirable providence put an opportunity and power into the hands of General Monck, the ablest and most experienced commander of these nations; whom he hath also spirited to stand firm for the interest of this Commonwealth, as well against a rebellious party of our own forces, as the designs of the common enemy, notwithstanding all causeless and false aspersions maliciously cast upon him; being warranted in his present actings by especial commission and authority from the Council of State, whereas yours is that only of the sword. Our prayers and earnest request for you and all honest men amongst you are that you may timely join with him, and partake of the honour and blessing of his actions, and your true repentance shall be a greater rejoicing than your desertion was trouble; when Providence shall have separated the precious from the vile, and not have suffered our scum to boil in, but shall have placed the sword and civil authority in the hands of men of the best and soberest principles. Sir, be not so far deceived as to think sober men see not through the mask of this strange new parliament, whose liberty and safety either of meeting or debating must be at your pleasure, who, having taken upon you to be conservator of the cause, will only make use of them as your assessors and tax-gatherers; the present interrupted parliament being the sole lawful authority, and which can only be hoped to

make the sword subservient to the civil interest, and settle the government in the hands of the people by successive and free parliaments unlawfully denied to them. Sir, we have in sincerity given you our sense, and shall leave you to Him that disposes of all men's hearts, and remain,

Your servants,

So far as you shall be found to serve the public,

AN. ASHLEY COOPER.
THO. SCOT.
JOS. BERNERS.
JOHN WEAVER.

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7. *General Montagu* to Sir A. A. Cooper, March* 24, 1660; *acknowledging receipt of commands about the navy.* [Printed in Martyn's Life.]

SIR,

This evening I have received your commands concerning an establishment for the navy, which I shall obey

* Edward Montagu, son of Sir Sydney Montagu, knight, and grandson of the first Lord Montagu of Boughton, was born July 27, 1625. Though of a royalist family, he, at an early age, and in the beginning of the Civil War, espoused the cause of the Parliament. At the age of eighteen he raised a regiment in Huntingdonshire, and took the field as its colonel. He gained the particular favour of Cromwell, by whom as Protector he was afterwards much employed in civil affairs and naval commands. He was a member of the Barebone's Parliament, one of Cromwell's Council of State appointed after the resignation of that parliament, and one of Cromwell's House of Lords. Being admiral of the fleet sent to the Baltic in 1659 to support the English mediation between Sweden and Denmark, he suddenly left, and brought home the fleet, to place it at the disposal of the King whose restoration he expected through the Presbyterian rising of August. He was appointed by the Parliament, after the restoration of the secluded

as soon as I possibly can.* I suppose it will necessarily require Monday's time and Tuesday's perhaps, to inform

members, joint admiral with Monk, and he brought the King over from Holland. His zealous services to the King were rewarded after the Restoration by his being created Earl of Sandwich and appointed Master of the Wardrobe. He was one of the Commissioners appointed with Monk, Sir Anthony Ashley Cooper, Charles Howard, and other Presbyterian leaders to try the regicides who had been excepted for life from the Act of Indemnity. It has been commonly held an indelible reproach to Shaftesbury that he sat as a judge on that occasion; how far this opinion is just will be discussed in a later volume. But it is a curious instance of the capriciousness of fame and uncertainty of historical awards, that Montagu, who had been connected with Cromwell longer and more closely than Shaftesbury, and who sat as a judge on the same trials, is generally praised, and that a late biographer, an author of great celebrity, of unquestionable acuteness, and of known Royalist prepossessions, has passed over in silence his share in the trials of the regicides and represented him as an almost perfect character. (Southey's Lives of the British Admirals, vol. v.) The Earl of Sandwich was employed in the reign of Charles II. in important civil posts and naval commands. In 1666 he went as Ambassador to Madrid to mediate between Spain and Portugal, and in 1670 was appointed President of a newly constituted Council of Trade and Plantations. At the commencement of the Dutch war in 1672, the Earl of Sandwich was appointed second in command of our fleet, under the Duke of York commander-in-chief; he lost his life in the first engagement, the battle of Solbay, May 28, 1672. He was a man of bravery, fair talents, popular manners, and genial character. Many notices of him are to be found in the Diary of Pepys, who was his *protégé*. The statements of Pepys as to Montagu's separate correspondence with the King before the Restoration are interesting. (Diary, April 21, May 3, 4, vol. i. pp. 57, 65, 66.)

* This letter was written to Sir A. A. Cooper as member of the Council of State. A new Council had been appointed by the Parliament immediately after the restoration of the secluded members, consisting exclusively of Presbyterians. It may be inferred from this letter that Cooper was one of the Council specially charged with the department of army and navy. See Martyn's Life i. 236. Monk, on being appointed commander-in-chief, had appointed Sir A. A. Cooper governor of the Isle of Wight and captain of a company of foot in the island. (Wood Ath. Oxon, ed. Bliss iv. 70.) The captain's commission, dated February 25, is in Lord Shaftesbury's possession; but I have not been able to find the commission of Governor.

myself and consider about it, after which you shall receive a further account from

Your most humble servant,

E. MOUNTAGU.

Swiftsure, off Greenhithe.
March 24, 1659.

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8. *Sir A. A. Cooper to General Montagu, April* 23, 1660; *rejoicing in Lambert's defeat by Ingoldsby at Daventry.**

MY LORD,

Your Lordship's letter brings that account of the fleet, and so satisfactory as might be expected from it, since put under the conduct of such a general. I hope

There is no doubt however that Cooper was at this time Governor of the Isle of Wight, and his commission was temporarily renewed in the name of Charles II. on the Restoration. There are notices in Sir R. Baker's Chronicle, p. 697 ed. 1684 and Bishop Kennet's Register p. 113, of Monk consulting Cooper, Charles Howard, Annesley, and Colonel Knight, in April, about an engagement for the army to acquiesce in all that might be done by the Convention Parliament then on the point of meeting, and of the above-named persons meeting in Cooper's house to learn the progress made in the army with the engagement.

* The latter half of this letter is printed in Bishop Kennet's Register, p. 120. Lambert had been sent to the Tower March 6, by order of the parliament, on his refusing to find bail for £20,000. (Comm. Journ.) The Long Parliament had been dissolved on the 16th of March, and the new parliament was to meet April 25. The Restoration was now certain, and the only question which remained was whether the King's return should be with such conditions as the Presbyterian leaders desired to impose. Lambert had escaped from the Tower on the 6th April. There had been a plan among the Republican leaders to free him by finding the bail required by the Council of State, in order that he might head an insurrection; but before this plan could be executed, Lambert acted for himself. He raised a few troops in the midland counties, but could

you did not mistake the expression in my letter about transposing your officers, as if it had any reflexion of not approving what your Lordship had done, being only to give you notice timely of this alteration about sending the Worcester into the Straits, lest, when your officers are fixed, it might be disobliging to remove them back.

This morning the certain news of Colonel Lambert his being taken came to the Council. There appeared with him six troops of horse in Daventry fields in Northamptonshire, Colonel Okey, Axtel, Creed, Sir Arthur Haslerig's son and others. But when Colonel Ingoldsby came up, the kind men without showing much courage rendered themselves. Thus God has blasted the wicked in their reputations and bloody designs, and I hope will bless us with a happy settlement, which is the prayer of,

My Lord,

Your most faithful and humble servant,

ANTHONY ASHLEY COOPER.*

make no resistance to a small force sent against him by Monk under Colonel Ingoldsby. After the Restoration, Lambert was excepted from the Act of Indemnity, but his life was ultimately spared. It has been commonly stated that he then passed the remainder of his days a prisoner in Guernsey; but it has been lately shown by a writer in "Notes and Queries" that he was imprisoned from 1667 to his death in 1683 in the island of St. Nicholas near Plymouth. (Notes and Queries iv. 339.)

* In the note at p. 109 public events and Shaftesbury's career were sketched to the installation of Oliver Cromwell as Protector in December 1654. The narrative is continued to the fall of Richard Cromwell from power in May 1659 in later notes on the speeches in the last session of Oliver Cromwell's last parliament and those in the short-lived parliament of Richard. Various notes on the Suppressed Passages of Ludlow's Memoirs and on the Letters and Papers in this division of the work trace Cooper's course from the fall of Richard Cromwell to Lambert and Fleetwood's revolution in October 1659, thence to the restoration of the Rump in December, and thence to the admission of the secluded Presbyterian members on the 21st of February, 1660. Monk, already

prepared to move his army, had heard of the restoration of the Rump before he commenced his march. He crossed the Tweed on the 2nd of January and entered London on the 3rd of February. All along his march he declared that his object was the support of the restored parliament, and that all questions as to a new parliament or the readmission of the secluded members must be decided by it. These declarations did not save him from suspicions of the Republican party; the Royalists and Presbyterians hoped, were puzzled, and feared. It is probable that Monk's plans were not fixed. The Rump parliament was the existing authority, and in it the Republicans were a majority. He had doubtless attained the conviction that the Rump could not be maintained, that there was no chance of stability but through the restoration of Charles, and that this was now only a question of a little time and some management. But he kept these thoughts to himself, and waited to be guided by circumstances on his arrival in London, and by more observation of parties and knowledge of persons. Sir A. A. Cooper, now admitted a member of the Rump, was engaged with the leading Presbyterians in trying to bring about the restoration of the King on conditions. Bishop Burnet says, "Holles told me the Presbyterians pressed the Royalists to be quiet and to leave the game in their hands, for their appearing would give jealousy, and hurt that which they meant to promote. He and Ashley Cooper, Grimstone, and Annesley, met often with Manchester, Roberts, and the rest of the Presbyterian party; and the ministers of London were very active in the city; so that, when Monk came up, he was pressed to declare himself." (Own Time i. 145.) Mr. Martyn absurdly states that Haslerig, Scot, and other Republicans, in their jealousy and distrust of Monk at this time, "offered to make Sir Anthony general of their forces, if he would march against Monk," and that Cooper refused, "saying he had given Monk a promise of his friendship, which he would not break." (Life i. 221.) There is of course not one word of truth in this statement. Arrived in London, Monk submitted himself for a time to the commands of the Republican majority of the Rump. The city, where the Presbyterian interest was strong, had made opposition to the Rump; Monk was ordered to march troops into the city, and compel obedience. On the 9th of February, Monk entered the city, pulled down the gates, portcullises, and chains, and siezed ten or eleven leading citizens and sent them to the Tower. His troops had executed these orders reluctantly; he had seen the force of feeling in the city; the Presbyterian leaders, among whom Cooper was prominent, strongly remonstrated with him; some proceedings of the Republican party in the Parliament had displeased him; advice which he had given deferentially was churlishly treated; on the 11th of February he sent to the Parliament a strong letter of general remonstrance, and marched again with his troops into the city, to make peace with its authorities

and brave the Parliament. Some stories are told in Martyn's Life of Cooper during these proceedings, which may or may not be true, and it is probable that there is exaggeration as to Cooper in the account there given; but there is no doubt that he would have opposed the proceedings against the city of the 9th, and strongly advocated Monk's counter-movement of the 11th. (Martyn's Life i. 222-227.) Monk required mediators on the 11th to satisfy the Lord Mayor and citizens that he came as a friend; and Mr. Martyn represents Cooper as a leading mediator. "The Lord Mayor and citizens refused at first to put any confidence in him, till Sir Anthony, Colonel Popham, and their friends had prepared them for his reception with an assurance that he was sincere. . . . . He was followed home to his quarters in the City with the greatest acclamations and with universal expressions of joy, which appeared by ringing of bells, bonfires, and roasting of rumps in derision of the parliament. The people were so unruly in their joy, that, as Sir Anthony and Colonel Popham were going through the streets, the mob surrounded the coach, and knowing them to be members cried out with some rudeness 'Down with the rumps!' Sir Anthony looked out, and smiling said to them, 'What, gentlemen, not one good piece in a rump?' The mob with their usual fickleness were taken with the jest, and attended him and the Colonel with loud acclamations." The Republicans in the parliament, thrown into alarm by Monk's new proceedings, immediately settled the government of the army in five Commissioners, Monk, Haslerig, Morley, Walton and Alured, in order to provide a check on Monk, who expected, and whom all had expected, to be made sole Commander-in-chief. Sir A. A. Cooper being proposed as one of the Commissioners, he was rejected by 30 votes to 15. (Comm. Journ. Feb. 11 and Ludlow's Memoirs ii. 831.) Ten days later, the Republican members were taken by surprise by the admission of the secluded Presbyterian members, by Monk's agency, under a military guard. Cooper had laboured strenuously for this object. The Presbyterians were now in overwhelming majority in the parliament. Immediately a new Council of State was appointed, in which none but Presbyterians and friends of a Restoration were named. It need not be said that Sir A. A. Cooper was one. Monk was appointed Commander-in-chief of the army. It was settled that the Long Parliament should expire on the 17th of March, and that a new parliament should be called for the 25th of April. On the 13th of March it was resolved without a division "that the engagement, appointed to be taken by members of Parliament and others in these words, 'I do declare and promise that I will be true and faithful to the Commonwealth of England, as the same is now established, without a King or House of Lords,' be discharged and taken off the file;" and "that all orders, enjoining the taking of the said engagement, be

and are hereby, vacated and expunged out of the Journal Book of Parliament; and that Mr. Prynne, Serjeant Maynard, and Colonel Harley do see the same expunged accordingly." The Republicans now bethought themselves of an expedient, to play Monk against the Presbyterian leaders and offer him their support if he would take the Crown himself. There is no doubt that such an offer was made to Monk by Haslerig, Scot and other republicans. This is stated in the account of events preceding the Restoration appended to later editions of Sir Richard Baker's Chronicle, which has been already often quoted in these notes, and which, though ill written and clumsily put together, has value as known to have been written with much assistance from Sir Thomas Clarges, Monk's brother-in-law; and the statement is confirmed by Clarendon (Hist. of Rebellion vii. 471,) and by the despatches of Bourdeaux. The idea was absurd; Monk treated the applicants civilly, and tried to keep them in good humour, but never entertained the project. Clarges gave Cooper information of what was passing. "The Council of State sitting at the time of this private conference, and within two chambers of the place where it was transacted, he [Clarges] sent in to the Council to Sir Anthony Ashley Cooper, and informed him of what he knew, and what he further suspected; upon which it was agreed, that, as soon as the General should depart from them and come into the Council, he should move that all clerks and attendants that were not Councillors should withdraw, and the doors be locked, and then declare that he had had information of a dangerous design in some seditious persons, who were continuing to make disturbances in the nation, and that they had proceeded so far as to make some indecent overtures to him, of which he desired that the Council might receive a full discovery, that thereupon they might apply themselves to prevent the consequences of it. But the General being unwilling to expose those men to ruin, though they deserved not his favour, because his purposes were designed to be effected by the most peaceable ways, told the Council, that there was not so much danger in agitation as they apprehended, but that it was true some had been with him to be resolved in scruples concerning the present transactions in parliament, but they went away from him well satisfied." (Baker's Chronicle, ed. 1684 p. 693.) This is probably a fair and correct account of an incident, which has been wonderfully exaggerated and enlarged in the Locke Memoir of Shaftesbury and in Martyn's Life. The story, as there told, is that Haslerig and Scot had a zealous coadjutor in Bourdeaux, the French Ambassador, who represented that he was instructed by Cardinal Mazarin to urge Monk to make himself King and offer him aid from France, that Monk consented, that Monk's wife, who, being concealed behind the curtains, had overheard the conversation, sent Clarges to inform Cooper,

that Cooper immediately summoned the Council of State, intimated what he had heard, conjured Monk to restore Charles, and obtained from him the requisite assurances, and various changes among officers of the army and governors of forts likely to make the restoration of Charles more secure. The account in the Locke Memoir ends thus: "The French Ambassador, who had the night before sent away an express to Mazarin, positively to assure him that things went here as he desired, and that Monk was fixed by him in his resolution to take on himself the government, was not a little astonished the next day to find things taking another turn. And indeed this so much disgraced him in the French court that he was presently called home and soon after broke his heart." There is no such despatch to be found in the French Archives, which I have carefully examined. M. Guizot has fairly published all that is material in Bourdeaux's correspondence of this period in the Appendix to his Life of Monk (Documents Historiques, Nos. 45-52, March 15 to April 2, 1660,) and in the Appendix to his History of Richard Cromwell and the Restoration. (vol. ii. Documents Historiques, Nos. 33 to 36, March 25 to April 5, 1660.) Bourdeaux writes that there are different opinions about Monk's object, but always gives his own opinion that he intends to restore Charles; he speaks of the offer made to Monk by the Republicans, and mentions surmises that he desired to make himself King; he makes no mention of communications between himself and Haselrig's party; convinced that Monk meant to restore the King, he endeavours to induce him and the Presbyterians to avail themselves of the aid of France and employ France to mediate the conditions of restoration; for this purpose he tries to flatter Monk, through Clarges, and makes strong professions of Cardinal Mazarin's friendship for him, and readiness to serve him. Here Bourdeaux appears to have exceeded his instructions for a diplomatic *finesse* which he describes. Anxious to secure for France the honour of mediation and all the influence which would flow from it, and foreseeing a strong desire to avoid French interference, he endeavoured to ingratiate himself with Monk by flattering messages, offering the aid of the French government to obtain for him from Charles all that he could desire of profit or honour, and stating that the French King was so completely his friend that he would even aid him for his own elevation to the throne. "Il m'a semblé à propos," says Bourdeaux, writing to Cardinal Mazarin, "de le disposer par ces marques d'estime à mieux recevoir les autres propositions dont je pourrais être chargé." (March 29, 1660, Guizot, Monk, Documents Historiques No. 50.) This crafty insinuation of Bourdeaux, designed to aid the acceptance of an offer of French mediation for the restoration of Charles, is apparently the sole foundation for the story of his active concurrence in the scheme to make Monk King. His instructions from Mazarin were no more than to convey to Monk general

expressions of friendship and support in his designs, which were believed to be for the restoration of Charles; it was of course the object of Bourdeaux to stand well with Monk, to be prepared for all contingencies, to do the best for French influence, and to use flattery as well as other means for gaining knowledge of Monk's plans. In his interviews with Monk he could extract nothing from him; and the statements of Bourdeaux in the above-quoted despatch and in another to Mazarin of April 5, describing an interview with Monk (No. 52 of Appendix to Guizot's *Monk*,) tally sufficiently with the account, derived from Clarges, in Baker's Chronicle. (p. 695.) It may be safely stated then that Monk did not entertain the idea of making himself King, that the French Ambassador did not act in such a scheme, and that the story of Cooper's foiling Monk's design for the Kingship is an extravagant exaggeration. This story, soon after its publication in the Locke Memoir, was not unsatisfactorily refuted, without aid from the French Archives, by George Granville, Lord Lansdowne, in his "Vindication of General Monk." (Works vol. ii. pp. 159 and seqq.) It is probable that Clarges, who was a silly bustling man, much connected with the Presbyterians, and Monk's brother-in-law but not *quite* in his confidence, made mischief by gossiping. In the meantime Cooper and the Presbyterian leaders were pursuing their design of a restoration of Charles on conditions. Lord Mordaunt, writing to Hyde on the 19th April mentions Sir Anthony Ashley Cooper as a member of a Presbyterian "cabal," then meeting constantly, of which the Earls of Bedford, Northumberland, and Manchester, Lord Wharton, Holles, Annesley, Pierpoint, Popham, Sir William Lewis and Sir Gilbert Gerard were among the members. The object of these Presbyterian leaders was to propose the restoration of Charles on terms very similar to those which had been offered in 1648 to his father in the Isle of Wight, and they were discussing how the chief offices of state should be distributed. They are described as fearing that Monk would spoil their plans and recall the King without conditions. (Clarendon State Papers iii. pp. 705, 729.) This fear was realized. When the Convention Parliament met on the 25th of April, Monk had arranged his plans with the King through Sir John Grenville. Lord Lansdowne, in his "Vindication of Monk" in which he refutes the story of Cooper's thwarting Monk's aims on the Crown, describes Cooper as acting with the Presbyterian leaders independently of Monk, and proposing with them a negotiation which Monk's prompt action cut short. Cooper was returned to the new Parliament for Wiltshire. The act of the expiring Long Parliament by which the summoning of this Convention had been settled had prescribed qualifications for its members designed to exclude old royalists, and had contained a clause saving the rights of such members of the old House of Lords, and such only, as had been always faithful to the Parliament. With Monk's coun-

tenance and support these restrictions were disregarded, when the parliament met. The disappointment and dismay of the Presbyterians are described by Bourdeaux in his despatches. (May 10, 21, Nos. 59 and 60, Appendix to Guizot's Monk.) Pepys records the reproaches of Montagu, who thought the Presbyterians too exacting, but "shook his shoulders when he told me [Pepys] how Monk had betrayed them, for it was he that did put them upon standing to put out the lords and other members that come not within the qualifications, which he did not like, but however he had done his business, though it be with some kind of baseness." (Diary April 29, vol. i. p. 61.) The Presbyterians could now no longer control the movement, and had nothing to do but make a virtue of necessity. Sir John Grenville appeared in both Houses on the 1st of May, and presented the King's letters and Declaration, dated from Breda. On the 23rd of May Charles landed at Dover, and on the 30th he entered London, a restored King, and restored without conditions. The two Houses had sent Commissioners to Breda to invite him to return. Cooper was one of the twelve deputed by the Commons. The other eleven were Lords Fairfax, Falkland, Bruce, Castleton, Herbert, and Mandeville, Sir Horatio Townshend, Sir George Booth, Sir John Holland, Sir Henry Cholmley, and Denzil Holles. The position then of Sir Anthony Ashley Cooper with reference to the Restoration was that of a leader of the Presbyterian party, serving that party with Monk and Monk with that party, much consulted by Monk and giving him much counsel, but ultimately disappointed by Monk in so far as the Restoration was brought about quickly and without conditions. Mr. Hallam has made a mistake in naming Sir Anthony Ashley Cooper as a correspondent of Hyde; the letter which he refers to in the Clarendon State Papers is the production of another Cooper. (Const. Hist. ii. 378, note.)

VII. SPEECHES DURING THE SECOND SESSION OF OLIVER CROMWELL'S LAST PARLIAMENT, JANUARY 20 TO FEBRUARY 4, 1658.*

[*Reprinted from Burton's Diary of the Cromwell Parliaments.*]

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* It has been stated in the note at p. 116 that Sir A. A. Cooper had ceased to attend Cromwell's Council of State at the end of December, 1654, and that some misunderstanding had then probably arisen which led to political separation from Cromwell. When and why Cooper became a declared opponent of the Protector is not known. The parliament which Cromwell had called in September 1654 was abruptly dissolved on the 22nd of January, 1655. That parliament had given Cromwell great trouble, notwithstanding that he had managed, shortly after it met, to exclude about a hundred opponents. It is probable that Cooper showed some sympathy with Cromwell's opponents in this parliament; he may have disapproved of the exclusion of members; he may have disapproved of the abrupt dissolution. When this parliament was dissolved, no money had been voted; and the Instrument of Government had empowered the Protector and Council to issue ordinances for raising money only until the meeting of the first parliament. Cromwell now immediately set his own constitution at naught, and an ordinance was issued for a monthly assessment. It does not indeed appear that the proceedings of the parliament of 1654, however much they may have irritated and disappointed Cromwell, furnished sufficient cause for a dissolution which immediately rendered it necessary to trample on his new constitution. The changes which it had proposed to make in the Instrument of Government were after all not extensive; all the essentials of the constitution as promulgated were preserved. Moderate men generally thought that Cromwell should have accepted the alterations of the parliament, and borne with its provoca-

tions, rather than again peril the settlement of the Commonwealth: and there is no doubt that the dissolution of that parliament lost Cromwell many supporters. (Ludlow's Memoirs ii. 512.) The parliament dissolved, opposition vented itself in intrigues and conspiracies; and Cromwell now proceeded to support his usurped power by tyranny. The odious rule of the Major Generals was now established We know nothing of Cooper's proceedings after his ceasing to attend the Council of State in December, 1654, till the meeting of Cromwell's second parliament, which met on the 17th September, 1656. Cromwell now regarded him as a determined opponent. Cooper was again elected for Wiltshire, but he was not permitted to take his seat. The Instrument of Government had provided that for the first three parliaments called under its provisions, all members elected must obtain a certificate of approbation from the Council, in order to be permitted to sit. This provision, designed to secure an observance of the qualifications enjoined for members, was now stretched to exclude a large number of members obnoxious to Cromwell. The number to whom the Council refused certificates of approval is variously stated; there is no doubt that it exceeded a hundred, and probably it was not far from two hundred. Soldiers at the door of the House prevented the entrance of all who could not produce the Council's certificates. Cooper was one of those thus excluded. About ninety other names of excluded members are known: among them was Sir Arthur Haselrig and Scot, leaders of the Republican party, and Morrice, Colonel Birch, Alexander Popham, and Sir Harbottle Grimstone, members of the Presbyterian party, who come into notice later as active promoters of the Restoration. Another name in the list is that of the Earl of Salisbury, who had sat in the Rump Parliament, and who in the subsequent reign of Charles II. was a zealous member of the opposition which Shaftesbury led. Sixty five of the excluded members, among whom was Cooper, subscribed a letter to the Speaker, complaining that they had been forcibly prevented by soldiers from taking their seats. Sir George Booth presented this letter in the House. The Council were desired to give their reasons for what had been done. They replied that the Instrument of Government had imposed on the Council the duty of judging whether the members returned possessed the prescribed qualifications, that the same Instrument had provided that the members to be elected should be "such and no other than such as were persons of known integrity, fearing God, and of good conversation," that they had examined all the returns according to their duty and had not refused certificates of approbation to any who appeared to them to come within the above description, and that for those whom they had not approved, "his Highness had given orders to some persons to take care that they should not come into the House." An overpowering majority of the members who had been allowed to sit resolved to be content with this insolent reply, and to refer the excluded members to the Council. A

remonstrance, addressed to the people, couched in the strongest language, was afterwards drawn up and printed with the names of ninety three of the excluded members appended to it, and circulated through the country. Cooper's is one of the names appended to this document. A few of the members who had been excluded afterwards made peace with the Council and obtained admission into the House. But Cooper with a great majority remained excluded during the whole of the first session of this parliament. Dr. Lingard, who is generally very accurate in minute matters, states incorrectly that Cooper became Cromwell's intimate adviser after this exclusion from parliament. (Hist. of England xi. 80, note.) The first session of this parliament lasted nine months, till the 26th of June, 1657. Cromwell's measures of exclusion had at last obtained for him a manageable parliament. It is probable from what took place in this parliament that Cromwell's principal reason for assembling it was to procure a change in the constitution, involving the creation of a second chamber, and the substitution of the title of King for that of Protector. The House had however sat some months before any step was taken in prosecution of such a scheme. On the 23rd of February, 1657, Sir Christopher Pack, an alderman and one of the members of the City of London, suddenly presented a document elaborately drawn up, bearing the title of "The Humble Address and Remonstrance of the Knights, Burgesses, and Citizens now assembled in the Parliament of the Commonwealth," and moved that it should be received and read. This was an address to Cromwell, stating that the nation could never become settled, while it was left uncertain who would succeed him after his death, and praying him to assume the title of King and to call henceforth a parliament consisting of two Houses, and to govern the Commonwealth in future according to the laws of the nation, subject to such changes as were proposed in this address, which was to supersede the Instrument of Government. This address was received and read, and afterwards considered and adopted, clause by clause, as a Bill. It was debated day by day till the 27th of March. The clauses constituting another House, to be nominated by the proposed King and approved by "this House," were passed without a division. The substitution of the title of King for that of Protector was carried by 123 votes to 62. When the whole paper had been gone through, the words "Address and Remonstrance" in the title were changed to "Petition and Advice;" and a clause was added, providing that, unless Cromwell consented to everything contained in it, no part of it should take effect. On the 31st of March the "Humble Petition and Advice" was presented to Cromwell for his consent. It cannot be supposed that Cromwell had not encouraged this address asking him to assume the title of King. But unforeseen difficulties had arisen which now determined him not to accept it. His chief officers, including his two sons-in-law, Lambert and Fleetwood, and Desborough, his brother-in-law, were vehemently opposed to the assumption of this title, and a

strong adverse feeling, fanned by the officers, appeared in the army. Cromwell took five weeks to consider the course he would adopt, and ultimately refused to take the title of King. By this refusal to consent to the clause which conferred the title King, the whole of the Petition and Advice fell to the ground. But the House took it again immediately into consideration, substituted the title of Protector for that of King, and with this alteration again presented it to Cromwell for his consent. The Petition and Advice as so altered received Cromwell's consent on the 25th of May, 1657. The Petition and Advice, which now superseded the Instrument of Government, made several material changes in the constitution of the Commonwealth. 1. The Protector was empowered to nominate his successor during his lifetime. 2. The parliament was to consist of two Houses; "the other House" was to be composed of not more than seventy nor less than forty members, who in the first instance were to be nominated by the Protector and approved by the Commons' House, but who after the first nominations were not to be admitted to sit and vote but by consent of "the other House" itself. 3. The number of members of the House of Commons and the distribution of the representation were to be newly arranged by the parliament then sitting. It was expressly declared that nothing contained in the Petition and Advice dissolved the existing parliament. 4. It was provided that no members henceforth returned to parliament were to be excluded except by judgment and consent of the House itself. 5. The disposal of the standing forces was to be in the Protector, acting with the consent of both Houses during the sitting of parliament, and, while parliament was not sitting, in the Protector acting with the consent of the Council. 6. A revenue of £1,300,000 was settled for the support of the government, of which a million was for the army and navy, and £300,000 for the expenses of the civil government. An "Additional and Explanatory Petition and Advice" was afterwards passed before the House adjourned, which prescribed, among other things, an oath to be taken by the members of both Houses, by which they bound themselves to be faithful to the Protector, as Chief Magistrate of the Commonwealth, and to abstain from all designs against his person or lawful authority. The House adjourned, under an act specially passed for the purpose, from the 26th of June to the 20th of January, 1658; and a clause in the act commanded the attendance on that day of all members who had been elected to the parliament, and were qualified according to the Petition and Advice. On the 20th of January, 1658, two Houses of Parliament assembled. Cromwell had nominated sixty three members of the newly created second House. The nomination of this assembly, which was designed to be a body superior to the other House, and which would naturally provoke comparison with the old House of Lords, was necessarily a difficult task; and it is not surprising that Cromwell did not succeed. As in naming the Barebone's Parliament, he did his best to secure the services of men of birth and station. Seven

English Peers were called to the new House; the Earls of Warwick, Manchester, and Mulgrave, Viscount Saye and Sele, Lords Falconbridge, Eure, and Wharton; but of these only Lord Falconbridge, who had married Cromwell's daughter, and Lord Eure consented to sit. Lord Broghill, an Irish Peer, afterwards Earl of Orrery, a restless intriguer through the whole period of the Civil War and Commonwealth and afterwards in the reign of Charles II., eagerly accepted a nomination. One Scotch Peer, the Earl of Cassilis, was nominated and did not sit. Lord Lisle, the two sons of Lord Saye and Sele, Montagu and Howard were in the list, most of Cromwell's Councillors and several of his officers. Whitelocke, St. John, and Glyn represented the law. Of his own family Cromwell named his two sons Richard and Henry, Fleetwood and Desborough; Lambert had quarrelled with him. Three of the members who had been excluded from sitting in the parliament the year before were named; Popham, Sir John Hobart, and Haselrig; Popham and Haselrig scorned the proffered honour. Sir Christopher Pack was rewarded for his services in fathering the new constitution by a seat in the new House. Pride, Barkstead, Hewson, Goffe, Berry, and Thomas Cooper, colonels in the army, who had originally pursued various trades, and were men of no fortune or social position, threw much ridicule on this assembly; and the number of the more distinguished members who refused to accept their nominations reduced the assembly to about forty of Cromwell's personal adherents. The debates in this session and in the next parliament of Richard Cromwell show the general contempt entertained for this assembly, and the great share which this part of the new constitution had in creating future difficulties. The House of Commons, when it assembled after the adjournment, was now full. Cooper with the other excluded members now took his seat; and he took the oath which had been enjoined of fidelity to the person and lawful authority of the Protector. The addition of the excluded members made the House of Commons quite unmanageable for Cromwell. They had had no voice in the passing of the Petition and Advice, and they denied its legality. The "other House" was addressed by Cromwell on the opening of the session, as "Lords," though the Petition and Advice gave no such title; and they assumed this title in sending messages to the Commons. A message from "the Lords," sent by two Judges on the 22nd of January, led to debates on "the other House," its title, privileges, expediency, legality, and indeed on the Petition and Advice itself, which, when they had lasted twelve days, and there was yet no prospect of an answer being returned to the "Lords'" message, Cromwell cut short, on the 4th of February, by a dissolution. Sir A. A. Cooper, it will be seen from the notes of his speeches, took an active part in the opposition to the new constitution and new House of Lords. He and several other Presbyterians were associated in this opposition to Cromwell with the Republicans headed by Haslerig and Scot; and though they belonged to different par-

1. *January* 28. *On a motion to exclude all private business for a month in order to call the Government to account for the violent exclusion of members and to secure the people's liberties.**

Your general orders breed more debate than would despatch a private business, so I would have no question put.

ties, and had different objects, yet a common opposition, into which Cooper entered with all the eagerness of his character, now and for some time longer united him to the Republicans. Mr. Carlyle has raised doubts as to whether the member to whom we owe the copious notes of the debates of this and the next parliament was Mr. Burton, to whom the editor of the Diary assigned it, and has suggested that it was more probably a Mr. Bacon. (Cromwell's Letters and Speeches ii 545.) The matter is by no means clear. These notes of Sir Anthony Ashley Cooper's speeches, though never, when best, much more than skeletons of argument, yet bear unmistakeably the impress of that nervous and subtle oratory, so rich in ingenious illustration and striking by the force of its diction, of some of whose efforts finished reports have been handed down to us, and which, in the stormy politics of the reign of Charles II. rendered Shaftesbury so formidable a leader of opposition.

* Diary, ii. p. 375 The "other House" had sent a message on the 22nd by two Judges to ask the Commons to join in an address to the Protector for appointing a day of public humiliation. This immediately excited objections and discussions about the House of Lords. It was resolved after some debate to send word by the Judges that the House would send an answer by messengers of their own. On the 25th Cromwell went to the Parliament and made a second long speech to both Houses, urging the difficulties of public affairs and the necessity of union. But it was of no use. On the 28th, Mr. St. Nicholas, a Republican member, moved that all private business be excluded for a month in order that the House might devote itself to the consideration of public grievances and of the constitution. Haselrig, Scot and others supported the motion. Cooper, it will be seen, suggested that more time might be lost in discussing this motion than by admitting private business. The motion of Mr. St. Nicholas was carried on a division by 92 votes to 84. After this the House proceeded to debate the message from the "other House."

2. *January* 28. *On the question of returning an answer to a message from the other House, and supporting a motion for first considering the question whether the other House should exist.**

That is the properest motion. You should not make a complicated and perplexed question. Some are neither for another House nor for the title, and if you put the question to return an answer to the other House, you tacitly admit such a House without further debate.

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3. *January* 29. *Supporting a motion of Sir Arthur Haselrig to refer the question of the other House to a Grand Committee or Committee of the whole House.*†

I second the motion to have it debated in a Grand Committee. It will be most proper in a business of this great consequence, and cannot be denied.

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4. *January* 30. *On the question whether the substance of the answer to be returned or the title to be given to the other House should be first resolved.*‡

I apprehend nobody speaks of the motion which I have in my head. Your order is very nice. You have a message from the Lords, brought by the Judges from the Lords.

* Diary, ii. 378.
† Diary, ii. 392.
‡ Diary ii. 401.

Unusual causes produce unusual effects; and nothing so ordinary to philosophers as to meet with such.

I would have things proceed by natural steps. When once you have made a return to the message from the Lords, the logic which I have, which is but little, informs me that your return acknowledges them to be a House of Lords. I would rather have us consider from whom that message is, and we can better tell what answer to return.

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5. *February* 2. *Supporting a motion of Sir Arthur Haslerig that the whole question of the other House be referred to a Grand Committee or Committee of the whole House.**

I move to be turned into a Grand Committee for three or four days. There is a great deal more in it than appears. Admit Lords, and admit all.

It is fit that laws should be plain for the people. We know what advantage the supreme magistrate and the other House got by the learned's interpretation of them-

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6. *February* 3. *Another speech on the motion for a Grand Committee.*†

If it be not your pleasure to go to a Grand Committee, I shall offer you my opinion.

* Diary ii. 419.

† Diary ii. 435. On the same day on which this last speech of Sir A. A. Cooper's was made the House divided on the question whether the motion for a Grand Committee should be put, and the numbers were equal. The Speaker was about to give his casting vote, which probably

I am not of their opinion that say there is nothing in the name, and that, if you could get over that, the fact would not stick: but better abstain from that than the people suffer. You are now upon the brink and border of settlement, and if you go further, it may be, you cannot stand.

There is nothing but a compliment to call a man Lord: but if one call himself lord of my manor, I shall be loth to give him the title, lest he claim the manor.

The gentlemen of the long robe will tell you there is much in names. The word King, they know, carries all. Words are the keys of the cabinets of things. Let us first take the people's jewels out, before you part with that cabinet. If you part with all first, when you come to abatement, it is a question how you will redeem them.

It was told you by a learned gentleman that the writ makes them no more than the Instrument makes them, for the Instrument makes them not peers for life, as the writ does not. It is very clear. We are told it revives the old Lords' house. I would fain understand where

would have been with the Noes, when Mr. Fagg, member for Sussex, stood up and asserted that he and Colonel Grosvenor had entered the House before the question was put, but that their votes had not been counted. Mr. Fagg's vote was allowed and added to the Ayes, so that the first question was carried. But the main question was immediately after negatived by 93 to 87. Sir A. A. Cooper was one of the tellers for the Ayes in the division on the main question for a Grand Committee. The next day, February 4, Cromwell dissolved the parliament. This was Cromwell's last parliament. Within seven months after its dissolution, Cromwell died, September 3, 1658. As soon as this parliament was dissolved, we cease to have any information about Sir Anthony Ashley Cooper; but we find him again a member of the parliament called by Cromwell's son and successor Richard, and then waging as fierce an opposition against the Petition and Advice and its House of Lords.

the words of revival lie. The gentlemen of the long robe say nothing of a revival.

2. There must be a way of address. I see no such necessity by the last Instrument. You passed laws without the Peers' consent, after so many days. The negative voice was denied the King. You know it was. These laws passed without the King's concurrence.

Consider, let us not lay foundations that we may repent. They must be extant for the future.*

* A tract, printed in the third volume of the Harleian Miscellany, gives an account, written in the interest of the republican opposition, of this session of parliament, which is worth reading. Its title is "A Second Narrative of the late Parliament so called, &c.," and it contains a list of the members of the "other House" who are sketched in terms not complimentary. A previous tract, entitled "A Narrative of the late Parliament, so called, their Election and appearing, the Seclusion of a great part of them &c," describes in the same spirit the proceedings of the first session, in which the Petition and Advice was passed. A spirited and useful account of the session of Richard Cromwell's parliament, to which we now pass, is contained in a tract in vol. VI, of the Somers Collection, written by one of the Republican members; "A Narrative of the most material Debates and Passages in the late Parliament, by Slingsby Bethel."

VIII. SPEECHES IN RICHARD CROMWELL'S PARLIAMENT, JANUARY 27 TO APRIL 22, 1659.*

[*Reprinted from Burton's Diary of the Cromwell Parliaments except No.* 24]

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* The Petition and Advice empowered Cromwell to declare, during his lifetime, his successor in the Protectorship; and soon after this power was conferred upon him, he had nominated in writing his son-in-law Fleetwood. But differences afterwards arose between Cromwell and Fleetwood, and on his deathbed he verbally nominated his eldest son Richard his successor, in the presence of Fiennes, the chief commissioner of the Great Seal, Thurloe, Dr. Goodwin, and Colonels Goffe and Whalley. The paper in which Fleetwood had been more formally appointed was searched for at the same time by Cromwell's desire, but could not be found. Fleetwood, however, on Cromwell's death, waived all claims arising out of this document, if by any chance it should afterwards appear; and Richard Cromwell was unanimously accepted by the Council as the new Protector, and proclaimed by them without delay, and amid general acclamations. A parliament of two Houses was summoned to meet on the 27th of January 1659. The elections for England and Wales were ordered to take place on the old system, and not on that of the Instrument of Government, the last parliament having framed no new scheme of representation as the Petition and Advice left it to them to do; but for Scotland and Ireland, which had been united with England since the Commonwealth begun, it was ordered that thirty members, the number assigned by the Instrument of Government, should be elected for each according to the scheme settled by Cromwell and his Council under the same constitution. The Scotch and Irish members however were not to be admitted to sit in the parliament, till the consent of the members for England and Wales was given. (Ludlow's Memoirs, ii. 616.) "The other House" was exactly as Oliver Cromwell had made it, and the members were summoned by writs such as used to be sent to the old Peers. Until this parliament met, Richard Cromwell's

1. *February* 5. *On a motion for sending to the Tower a man named King who had been sitting in the House, not being a member.**

I never heard of the fellow. He is inconsiderable. I move that he be sent off to Newgate. I would not have him accuse himself.

position seemed easy and secure. His principal advisers were Thurloe, St. John, Pierpoint, Dr. Wilkins, Lord Broghill, Colonel Philip Jones, and George Montagu, second son of the Earl of Manchester; and their influence with the Protector excited jealousy in Fleetwood, Desborough, and the other principal officers of the army. (Ludlow's Memoirs ii. 632, Pepys's Diary i. 109, and Clarendon State Papers iii. pp. 421, 423.) He had no difficulty however in parrying an attempt made by the officers of the army, just before the meeting of parliament, to prevail upon him to part with the command of the army, and make it over to Fleetwood. When the parliament met, jealousies and discontents before insignificant found a head and became formidable; and its meeting was the knell of Richard Cromwell's power. Sir Anthony Ashley Cooper was returned to this parliament for Wiltshire and for Poole. There was a double return for Poole, John Fitzjames and Samuel Bond being returned by one indenture, and Sir Anthony Ashley Cooper and the same Samuel Bond by the other. The Committee of Privileges decided in favour of the indenture by which Sir Anthony Ashley Cooper was returned for Poole: and after this decision, Sir Anthony Ashley Cooper elected to sit for Wiltshire. (Comm. Journ. March 30, 1659, Burton's Diary iv. 308.)

* Diary iii. 80. The Diarist mentions that Sir A. A. Cooper appeared in the House for the first time this day. Attention had been called to Ludlow's sitting in the House without taking the prescribed oath, and a debate had arisen, which was interrupted by the incident of King, who had been sitting in the House not having been elected a member, and distributing pamphlets among the members. It was moved to send King to the Tower; several members, and among others Sir A. A. Cooper, suggested Newgate, arguing that to send him to the Tower would be to give him too much importance. It was resolved to send him to Newgate. He was discharged two days after, being adjudged mad. The debate about Ludlow was not resumed, and he managed to continue to sit without taking the oath. See his Memoirs ii. 619.

2. *February* 5. *On a motion for appointing a Committee about the maintenance of clergymen in Wales.**

There is a vast treasure arising out of these revenues. I never heard of any account. I have passed through Wales, and found churches all unsupplied, except a few grocers or such persons that have formerly served for two years.

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3. *February* 11. *On a proposal for a previous resolution before committing the Bill for the recognition of Richard Cromwell as Protector.*†

You have the same state of things now before you, as you had in the Parliament of 1654, our judgments differ-

* Diary iii. 83. Another speaker, Mr. Freeman, stated that the revenues of the clergy in South Wales were £20,000 a year. Committees were appointed to examine the revenues of the Church and ministers' maintenance in North and South Wales, Monmouth, the four northern counties, and Yorkshire.

† Diary iii. 227. A few days after the parliament met, a bill for the recognition of Richard Cromwell's title was proposed by Thurloe, the Secretary of State. The bill was read a second time, February 7; and then began a series of protracted discussions, lasting till the 14th, on the question of going into Committee. Sir Arthur Haselrige commenced the opposition. The validity of the Humble Petition and Advice, enacted by a parliament from which a large number of members had been excluded, was now again impugned; it was argued that Cromwell's nomination of his son Richard by word of mouth on his deathbed, and not by a written instrument, was insufficient, even admitting the Petition and Advice; abuse and derision were lavished on the so-styled House of Lords: it was urged that the bill should confirm the people's rights and the privileges of the House of Commons at the same time that it confirmed the Protector's title, and a preliminary resolution limiting the Protector's powers and securing the House of Commons in the two

ing. A recognition was then proposed. It was said that it was not consistent with the care, wisdom, or gravity of this House, to pass the interest of the single person but with the interest of the people. At length a previous vote was agreed upon, that nothing in that should be of force, unless the whole did pass. That which is now proposed is thought impracticable, but was not so then.

You are now upon a Petition and Advice, which it is told you is law, and if you say so, the Judges will say

points of the "militia" and the "negative voice" was called for. It will be seen that in the above speech Sir A. A. Cooper supports such a resolution, and suggests the passing of another resolution, such as had been passed in discussing the Instrument of Government in 1654, that nothing should be binding till the whole bill was passed. The debates had already become hot; and there are two short appearances of Sir A. A. Cooper in incidental discussions. On the 8th February, a Mr. Freeman, who took the side of the government, was commending the moderation of Richard Cromwell, who, he said, might have brought an army to the bar to force them to acknowledge him Protector, when he was called to order by Lord Fairfax. "*Lord Fairfax* took him down, and moved that he be called to the bar, for naming an army to be brought to this bar.—*Mr. Reynolds.* I move that, it being a first offence, he be not called to the bar, but he may well explain.—*Colonel Birch.* He ought not to have taken him down. Haply, he would have explained, if you had let him go on. —*Mr. Attorney General.* I cannot justify the word. I am sorry it should fall from one of the long robe, but he should be heard out. I may speak a word, and if you take me at half, you may take me at the worst.—*Sir Anthony Ashley Cooper.* He was gone past explaining. I have never known but in such a case he might be taken down.—*Mr. Freeman* explained." (Diary iii. 140.) The same day when the time for adjournment came, some of the supporters of the government tried to arrange for shortening the debate. Vane, Haselrig, Reynolds, and others urged that many members wished to speak. "*Mr. Bulkeley.* Unless it be to provoke obstructions from abroad, I wonder why it should be so striven for to delay it, and spin out the debate with long speeches. —*Sir Anthony Ashley Cooper.* I would have us adjourn. I shall not speak much, nor can speak much to the purpose, but I desire not to hinder any man to speak." (iii. 150.)

so. Never was so absolute a government. If the Florentine and he that sat in the great chair of the world had all met together, they could not have made any thing so absolute.* Is there not another House sitting, that claims a negative over you? When you have passed this, what is wanting? Nothing but monies.

State the case. The Petition and Advice is necessary to stand. A Parliament is freely chosen, and we own it. We go home by some necessity of state. Then does not the Petition and Advice outlive us? This may happen, and produce inconveniences to us, to the Protector, none. Is not this security to him, that he shall be put in the great *Magna Charta?*

If the Petition and Advice by piecemeal comes to be confirmed, we may not feel the smart of the Petition and Advice in this man's time. It may happen in another's. It may not sound well in after ages, to have things so uncertain and liable to disputes. The laws left doubtful, we have not been faithful to his Highness.

I move to assert his authority together with the liberty of the people. This will be security and indemnity to all. Put the case, that you should vote him Chief Magistrate only, and then leave him to the ancient laws to expound what that means. Shall we not leave him to those ancient doubts and disputes, which have cost us so much blood?

* Compare a speech of Mr. Hobart later in the debates, February 28. "A single person with an army, a negative voice, £1,300,000 per annum, and a Council of officers, a balance upon you. This should be well considered. For this Petition and Advice, if Pope Alexander, Cæsar Borgia, and Machiavel should all consent together, they could not lay a foundation for a more absolute tyranny." (Diary iii. 543. and compare Bethel's "Narrative" in Somers Tracts, vol. vi.)

Englishmen's minds are free and better taught in their liberties now than ever. A parliament cannot enslave the people. It may happen in after ages that the people may claim their liberties over again. I would have the addition and the question go all together. We have left a bone of contention to posterity, I fear. We may rise before all be perfected, for some reason of state. It is not against the orders of the House to put them together. I would have them put together. Let them go hand-in-hand.

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4. *February* 14. *On a motion against the word* recognize *as applied to the Protector, in a proposed preliminary resolution.**

The word, recognize, goes to things and not to persons. I appeal to the long robe men, if recognize take not in all the laws, Petition and Advice, and all powers given by that.

* Diary iii. 276. The discussions before going into Committee were still proceeding, and verbal questions were raised. It having been proposed in a preliminary resolution to "recognize Richard Cromwell as undoubted Protector," the opponents of the government made great objection to the words "recognize" and "undoubted." It was contended that the word "recognize" implied existence independently of the parliament, and it was proposed to substitute "declare." This was Cooper's argument. On a division the word "recognize" was retained by 191 votes to 168. The government party then agreed by way of compromise to add "declare" to "recognize," and to withdraw the word "undoubted." Some members objected to "recognize" as a French word. Ludlow says that some proposed to "agnize." (Memoirs ii. 624.)

5. *February* 14. *Supporting a previous vote in answer to Sir Walter Erle and Serjeant Maynard who had argued that such a vote did not oblige the Parliament and, if it were not in the Bill, would not be law.**

Sir A. A. Cooper differed from them.

If it pass in the negative, you are excluded at your Committee. A proviso may be brought in. Votes will remain on our books when we are gone, and it will appear that we had also care of the people. You will have it committed and nothing appear. I would have both appear on our books together.

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6. *February* 16. *On a motion to accuse Mr. Henry Nevil of atheism and blasphemy.*†

A motion of this nature ought to be made clearly out.

* Diary iii. 286. The meaning of this speech of Sir A. A. Cooper's is that a vote passed before going into Committee would appear in the Journals, whereas there would be no record of a similar vote passed in Committee, if the bill should afterwards fall to the ground. Almost immediately after this short speech, the two following resolutions were passed without a division. "1. That it be part of this Bill to recognise and declare his Highness Richard, Lord Protector, to be the Lord Protector and Chief Magistrate of England, Scotland, and Ireland, and the dominions and territories thereunto belonging; 2. That, before this Bill be committed, this House do declare such additional clauses to be part of the Bill, as may bound the power of the Chief Magistrate, and fully secure the rights and privileges of parliament and the liberties and rights of the people, and that neither this nor any other previous vote, that is or shall be passed in order to this Bill, shall be of force or binding to the people until the whole Bill be passed." This second resolution is said to have been offered by Mr. Trevor, acting for the government, after the first was carried, "to the end the other party might not go away displeased;" and it was immediately passed without a division, one voice only crying No and that being the voice of Thurloe. See Bethel's "Narrative" in the Somers Tracts.

† Diary iii. 300. Henry Nevil, Nevile, or Neville, the author of

To make a man an offender for a word is hard. Manifest and open offences may be punished with more severity. I would have the charge clear, that the defence may also be clear and certain.

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7. *February* 18. *For settling the limitations of the Protector's power before discussing the question of the other House or anything else.**

The bounding the single person is the most proper

"Plato Redivivus." Mr. Bulkely, a supporter of the government, had accused him, on the information of others, without producing a written charge. The object was to prove Nevil disqualified to sit, the existing law requiring that members should be persons "fearing God and of good conversation," and thus to get rid of an opposition member. The debate was very animated, and many members of the opposition defended Nevil, and exclaimed strongly against such a charge being made on hearsay. In the end, after five hours' debate, the matter was dropped. Nevil was born in 1620, and was the second son of Sir Henry Nevil of Billingbeare, Berkshire. He was educated at Merton College, Oxford, and after leaving the University travelled much on the Continent. He returned to England in 1615, and became a member of the Long Parliament. He was elected a member of the Council of State in 1651. He was a member of the Council of State which followed the dissolution of this parliament and the fall of Richard Cromwell, and acted with the Republicans in opposition to the Restoration. He was taken into custody after the Restoration, but was soon released, and he afterwards lived quietly in Berkshire till his death in 1694. He had as a colleague in this parliament, and in the Council of State which followed, another celebrated political speculator, Sir James Harrington, the author of "Oceana." Nevil and Harrington were very zealous in pressing their theories of the constitution of a republic, in the debates of the Rump and Council of State in 1659. See Carte's Letters ii. 203, 225 and Clarendon State Papers iii. 483. See also the references to Harrington's Rota Club in Pepys's Diary i. pp. 8, 11. There is a notice of Nevil in Wood's Ath. Oxon. iv. 409, ed. Bliss.

* Diary iii. 335. After the preliminary resolutions passed on the 14th, the House proceeded to consider of the additional clauses which were to "bound the power of the Chief Magistrate and fully secure the rights and privileges of Parliament and the liberties of the people."

thing in debate, and I apprehended we had now been upon the Chief Magistrate's limitations. It is objected, that men cannot vote unless they know whether there shall be another House. That objection is made as if we were constituting a new Commonwealth. If that should be, then, unless you know what power your single person shall have, how will you declare the power of the other House, for this will still lie in your way? I have not heard that debated yet, whether we are upon the footing of the Petition and Advice, or on a new foundation, or on the old constitution. I think we are yet to be supposed to be upon the footing of the old constitution, unless something appears to the contrary. Therefore I would not have us surprised in a vote. We may by this put a limitation upon us that we mean not, and instead of bounding the supreme Magistrate be rather bounding the liberty of Parliaments.

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8. *February* 21. *Supporting a motion for the release of the Duke of Buckingham from imprisonment.**

One person cannot do you so much harm by his liberty. It is no ill precedent of liberty. While we

* Diary iii. 370. George Villiers, second Duke of Buckingham, with whom Sir A. A. Cooper had at present no correspondence, was afterwards his friend and political associate, and colleague in the so-called Cabal Ministry of Charles II. Buckingham had been sent to the Tower by Oliver Cromwell in August 1658; he was now a prisoner in Windsor Castle. He had married in 1657 the only child of Lord Fairfax, the old parliamentary General; and Fairfax, who was a member of this parliament, presented this day a petition for Buckingham's release. Many other members urged the deference due to Fairfax, and that his word should be sufficient. Mr. Onslow said, "He that has been trusted

have an eye of punishment upon delinquents, let us not wound ourselves by leaving arbitrary precedents.

I have not so much as a correspondence with this person or any of that name. Let it not be thought, whatever is in our hearts, that we shall have ingratitude to that person that offered the petition. The care that Lord Fairfax will have of him in his family will be beyond all security you can care for. You may well trust him.

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9. *February* 22. *For discussing the right of the new Lords or members of the other House before declaring their powers.**

If you would have us all of one mind, your question must be as clear as may be. The first question ought

with three nations, we may well trust him with a single person." The Solicitor General said, "I think when that noble lord says he will engage himself, it is more than £20,000. I am ready to take that noble lord's engagements that he shall be answerable to justice, rather than anything else that is offered." Fairfax interposed saying, "When I engage my estate, I know what I do, but when I engage his honour, I engage what is not in my power." It was resolved to release the Duke, on his engagement on his honour at the bar of the House, and on the engagement of Lord Fairfax in £20,000, for his quiet behaviour and abstinence from intrigues against the government. The Duke of Buckingham appeared at the bar two days after and gave the required assurance on his honour. "The Duke, standing at the bar, said he accounted it his great happiness to come before this assembly, and that in pursuance, and according to the order of this House, he did here now engage himself to this House, upon his honour, to demean himself peaceably and quietly, and not to join with, or abet, or have any correspondence with, any the enemies of this Commonwealth, either at home or abroad, for the future; and further gave the House his most humble thanks for their high favour towards him; and professed he should be ready to lay down his life and fortune for their service." (Diary iii. 436.) Buckingham, of whom I shall have much to say in a future volume, was now thirty two.

* Diary iii. 418.

to be, whether there be a right or no; for, where there is a right, in all the actions of a man's life, there is a duty; and then matter of convenience or inconvenience is out of doors. Two rights are offered to be in being; one of the old Lords, the other of the other House or new Lords, who have already a vast power in their hands, and dangerous to the people. Some tell you the right of one House, some of another. I offer it to you that it is not fit, and if it may not be dangerous to prejudge or preclude either of their rights before you agree to the persons. If there be a right, then all their boundaries must be offered to them, whether they will pass them or not; and I have seldom found men in power to part with it upon easy terms. It is therefore necessary to be cleared, how far we are to deliberate and restrain them in this point.

Seeing great rights are claimed on both sides, let me be satisfied on that point, first, before I can give my vote. The consideration of the persons is most natural.

One while it is argued for right, *pro* and *con.*, and persons differ; and then they fly off to conveniency.

Matters of right and of conveniency are two different things. Therefore, now take into consideration these two claims. Consider first, whether the old Lords or new Lords have a right or no, and then go on to bound them.

10. *February* 24. *In a debate on the war between Sweden and Denmark, Richard Cromwell's mediation, and a proposal to send a fleet to the Sound to support the mediation.**

If I thought to refer it to a Lord Protector and Council were no more than a reference to a Council of State, or a Committee of the House, I should not now trouble you, but there is more in this.

You might very well retain what you grant; and on the other side, if there were no hazard of a war, nor engaging your militia, it were not so much neither. But this implies a war; and doth it not signify that you will have no regard for treaties and amnesties, but merely to interest of state?

If you will begin a war, it must be upon clear grounds; the state of all things declared, the justness of the quarrel stated. The grounds were manifestly held out to the Long Parliament. When Henry V. engaged in the war with France, the grounds were first laid, then money and shipping prepared.

* Diary iii. 465. Secretary Thurloe had introduced this subject by order of the Protector on February 21, and made a long speech on the origin of the war between Sweden and Denmark, on the attitude of other Powers, especially the Dutch, who were the allies of Denmark, but were endeavouring to bring about a peace and supporting their mediation with a fleet to be enlarged to the number of 130 ships, on English interests of trade in the Baltic, on the danger if the war went on of England being excluded from the Sound by Denmark and Holland, and ending by asking the consent of the House to equipping a fleet for the support of a medintion by England between the belligerents. This proposal led to a long debate, in which the question of the right of the Parliament to govern the navy and decide on peace and war largely entered. It was ultimately referred to the Protector to prepare a fleet, with a proviso "saving the interest of this House in the militia and in making of peace and war." (Diary iii. 493, Feb. 24.)

This navy must either go to look on or engage. If to engage, it is a war; if to look on, it is dangerous rather than advisable. I never knew it successful.

The Pope sent an army or navy once to the like purpose, when two fighting princes were determining their quarrel. He intended to look on in a war between Milan and the Florentine. But the fortune of that was, that he was made a prey to the conqueror, and conquerors have always discouraged that looking on. You are in peace with Swede and Dane and Dutch. If at peace, what is the quarrel?

The justice of the quarrel must be considered. If we war with any, we must answer it as one honest man would do to another.

The Dane made first an invasion upon the Swede. The Swede's quarrel was just, I grant. He might safely keep what he gained.

The Dane kept the treaty punctually, which was made by our mediation. How, then, can we assist the Swede, who is upon the score of breaking his treaty, and go against our confederate, the Dane, without ground; or stand by, and see him ruined?

The Dutch have the greatest interest, and they have a just interest already granted them by the Dane. If we invade that right of the Dutch, we begin the quarrel. So far for justice. Till the justice be decided, I shall never countenance the war.

If the Dane gain the Sound, it will be very dangerous; and will it not be more so, if the Swede get it, than if it comes into the hands of the Dane or Dutch? He hath almost all the Sound, and the territories and coast by land. He is master of the greatest shipping,

and will command the Baltic Sea. He is a most potent prince, that hath at this time one of the best and ablest councils for war in Christendom.* He understands the secret of trade. His business must be to make himself not only the greatest master at sea, but of trade also. He may overrun Spain, Denmark, Pomerania, Italy, and make himself master of this part of the world.

His predecessors overran the whole world with their bodies of men; but how much easier will it be for them to transport these great bodies of men, when they shall gain the great mastery at sea. Are not the Dutch and we in most danger to be the first fallen on? By reason of state, we or Holland must be his next prey.

Admit the worst. Suppose the Dutch have the Sound. But how will they keep it? You have the King of Sweden your friend; and the King of Denmark, he also is a sure friend, as necessity makes him to be so.

You have all the petty Princes upon the Baltic coast; the Hans Towns, and free States and Cities. These will help you against Holland, whose interest it is to suppress them. But if the Swede obtain it, what friend have we, or friendship with any, that can serve us to get it out of the Swede's hands, if ever he got it wholly? I move that we may not engage.

Here is a preparation of a million, and our eyes are towards the Sound. But how stand our engagements? Are we engaged, or free to assist the Swede? If we be not engaged, that may alter the case, and we may debate it. But I would move, upon the whole matter, to have the power of war and peace in this House.

* Charles Gustavus, Charles XI. of Sweden.

I would neither be engaged in a dangerous war, nor in what will cost a million of money. It is a dangerous precedent, which in former times would not be suffered. This precedent was not allowed in 1640. You will give away a great part of your militia. I move again, not to be surprised in anything; lest by quenching flames abroad, you kindle flames at home. You have done enough in preparing what you have done.

In the meantime, whilst we debate, let the preparations go forward. I would have it referred to the Commissioners of the Navy and Admiralty.

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11. *March* 4. *On a motion for calling in Sir Henry Wroth, in the custody of the Serjeant-at-arms, on a charge of assaulting Major General Packer, a member.**

I move that he be called in, and neither have his

* Diary iv. 3. General Packer had complained of this assault on the 23rd of February. "Mr. Speaker acquainted the House with an abuse offered to Major General Packer on the highway.—*Major General Packer.* As I was going home on Saturday night, a gentleman, being drunk, switched my horse and then myself: I was content to pass on the road with the abuse till I came to a town and called for a constable. He fell on Captain Gladman, who was in my company, and cut him in the hat, and had killed him if help had not been made. A rude ranting Cavalier swore 'God damn him' often. He was one of the King's knights. He and his complices have boasted much of this. I chose rather to show my valour in another way. The person is Mr. Henry, *alias* Sir Henry, Wroth. It was immediately resolved that "Mr. Henry Wroth be forthwith sent for as a delinquent, and that he be brought to the bar of this House by the Serjeant-at-arms." (Diary iii 437.) Wroth was brought up by the Serjeant on the 4th of March, and on the question that he be called in General Packer said, "I am content to pass by the injury if the House so please. I believe Sir Henry Wroth did not know me." A discussion then arose as to whether it was necessary to proceed further; but Wroth was ultimately called in, and he justified his conduct, asserting that General Packer had drawn his sword on him and

crime nor his answer repeated, but only be told that, upon the motion of the person that informed, the House had considered of him and would pass it by.

12. *March* 4. *In a debate on the constitution and powers of the other House.**

I would not have things misrepresented to the House. I was here last Parliament, and the constitution of the other House was disputed all along, and their coordinate power denied still, else we had not been so soon dissolved

13. *March* 7. *Supporting a motion to refer back to the Committee of Privileges a report on the election for Malton.*†

I was not satisfied with the excluding the witnesses ;

that he had acted in self-defence. It was then determined to refer the question to a Committee, and Wroth was discharged from the custody of the Serjeant-at-arms on his bond. The Diarist says "He came off this business with a great deal of honour, and by his narrative quite altered Packer's story." It was referred to a Committee, but I believe it will fall asleep in the chair, it will scarce be prosecuted." It had been proposed to discharge Wroth on his parole, but the word was objected to as French. "*Mr. Turner* and *Mr. Trevor* moved that his parole might be taken.—*Sir A. Haselrig.* The word parole is a new word; I move that the Serjeant take his bond.—*Sir George Booth.* Seeing we all understand not French, let us take his word ; that is English. I hear he is a person of great worth." (Diary iv. pp. 6, 7.)

* Diary iv. 14. Since February 14 the House had been discussing discursively the proposed limitations of the Protector's power and securities for the people's liberties. On the 1st of March the debate had been brought to a narrower issue by the carrying of a resolution, by 177 votes to 113, "that it be the matter of the debate to-morrow morning that this House will transact with the persons now sitting in the other House as a House of Parliament." The debates on this question, begun on March 2, were not finished till the 28th, when it was agreed to transact with the other House as a House of Parliament only during the present parliament, and saving the rights of old Peers who had been faithful to the cause of the Parliament.

† Diary iv. 43. The question in dispute was whether Old Malton

only they said this was not matter of fact, but matter of right. This to me is as much as to say, in what is not material they shall be admitted, but in what is material, not. I move that it be recommitted.

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14. *March 7. Against a motion for a proviso that the old Peers who have been faithful be not excluded, and against transacting with the other House.**

That is not the greatest objection, that those persons are officers in the army; but it lies not so strong against them in this House as in that House.

As to the old Lords, it is the way to destroy their rights which you take to preserve them.

Is not this the very case, as was remarked by Serjeant Maynard, of Malton? Agree with the Committee, saving the right of New Malton.

This is a saving that destroys the right. You bar their claim utterly by this, whereas you know not but their claim may come in more clearly. You make them and their interest your everlasting enemies.

A few new men, but in the room of old men, what will the nation say? Let us consider what we can say to posterity. The remaining part of that famous Long Par-

had a right to join with New Malton in the election. The Committee decided that it had, and upset the election of Luke Robinson and Major-General Lilburne, two members of the Republican party. It appears from the debate that the witnesses for New Malton had not been heard by the Committee. The House decided to agree with the Committee by 173 votes to 142.

* Diary iv. 50. This speech was made in answer to one by Mr. Swynfen who had urged the recognition of the other House with a proviso saving the rights of the old Peers who had been faithful to the Parliament, and who had de-

liament would in the issue have rendered their designs famous.* Your laws and liberties are all gone. Two negatives are in one hand. An army is in your legislature, and £1,300,000 per annum for ever.

To say that a law made under force shall be a good law, and binding in reason, is against all reason.† That about the Bill of Sales is but *argumentum ad hominem.*

If our neighbours say we look well, that will not satisfy. We must examine if we be well. I have sat sixteen years here, ventured my life, and bought lands, and my friends and interest have done so. I always hoped, whenever you came to settlement, you would confirm all those sales.

True, a possessory title of Chief Magistrate was never questioned in Parliament, but this is upon another foot, the Petition and Advice. How are you satisfied of that claim? Is there that done that will pass £40 per annum, and yet are passing three nations into the hands of some few persons, to them and their heirs for ever?

If there be a necessity upon us now, where will the necessity be afterwards? Where will be our posterity? You might have had as good a government three hundred years ago.

fended the composition of the other House, including so many officers. The Speaker had just before resumed the debate, "and said, that which is most insisted upon is that this vote should not exclude the right of persons of the old peerage that have been faithful from sitting, if they be duly summoned by writs."

* It will be remembered that Cooper was on good terms with the Rump of the Long Parliament when it was dissolved by Cromwell in April 1653. See note at p. 87.

† This is in answer to a speech of Serjeant Maynard, who supported Richard Cromwell's government, and had contended, that if the Petition and Advice were rejected, great confusion would ensue, and all sales of public lands effected under its authority be invalidated. (Diary iii. 571.)

What are you at present but a House of Parliament and a single person? Is there any such difference than when the Parliament was in 1654? You must either transact, it is said, with them, or you must not transact at all. There is no such need. Are we bound to this or that other House? We are not bound. It may be they will sit without us. I had rather they did so, and raised money, than that we should so bind ourselves as to be but bailiffs and servants to them.

It is but a shoeing-horn to tell us the right of the old Lords is preserved by this.

I cannot consent to transact, because it is against the right of others, the rights of this House, and the rights of the nation.

If you think you have no need of bounds nor approving, pass your question singly, and then I am sure you are bound for ever. If you will put it, put it singly. It shall have my negative.

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15. *March* 8. *Against a proviso saving the rights of the old Lords.**

It is impossible to save the rights of others, if you own these upon that foot that they are. You cannot

* Diary iv. 83. On this day a division took place on the question of this proviso; and it was resolved by 195 votes to 188 "that these words, viz. 'and that it is not hereby intended to exclude such peers as have been faithful to the Parliament from their privilege of being duly summoned to be members of that House' be part of the question." The opponents of the government, thus beaten, immediately raised the question of the right of the Scotch and Irish members to sit and vote. They had been voting, almost all with the government; and they were sixty in number. To exclude them would be to secure a majority for the opposition. It was arranged that the right of the Scotch and Irish members should be discussed the next day. See the next note.

alter one bit of it without their consent. Their number is to be but seventy. If sixty already, how can that clause of yours be practised or put in execution? True, this may be mended, but when you have once owned them, you must stay their leisure.

If these would give their places to old Lords, there is one negative upon you still; so you put two bars before their rights. To bring in the old Lords upon the Petition and Advice, upon that foot, I should for ever abhor them and myself for doing it. Upon this new foot, you cannot restore them; though I honour them as much as any man, and wish they were restored, but rather never see a Lord, than have them on such a foot. I would have the question put singly, that we may not be surprised in our votes.

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16. *March* 9. *On the question of the right of those elected for Scotland and Ireland to vote.**

They ought to withdraw. (He cited Mr. Danvers's case.) If they may have a vote in this case, it will be

* Diary iv. 108. On the meeting of the House on the 9th the Speaker, Mr. Chaloner Chute, was so ill that he could not continue in the chair. The following curious debate took place. "*Mr. Trevor* to the orders of the House. I move, Sir, that for your safety you would, till you recover your health, for a week's time appoint another in your place. I move for Sir Lislebone Long.—It was moved that it was never used to appoint another Speaker, while one was in the chair.—*Mr. Fowell* said that in the case of Sir Thomas Widdrington, another was chosen, while he was in the chair; but that case differed. It was upon his desire.—*Mr. Speaker.* I desire to be discharged. I am sorry I should retard your business one half hour.—*Sir Arthur Haslerig.* I move that by no means he be discharged, but only for a time, to recover his health. It was always the care of this House to choose one that was no way influenced by the court. I

in their power to keep this vote off themselves all the Parliament. They are most worthy persons; but let us consider the consequence.

shall name a fit person, though not of the long robe, Mr. Knightley.—*Mr. Knightley.* I am of the wrong robe; this is more like a weed than a garment that I have. I have worn a gown at the University and the Inns of Court, but never had the honour. I make it my humble motion that you would not put that burden on one of so short a robe and so short a measure. He that made that chair made it with strong arms, knowing the weight of it. I have both infirmity of mind and body to make me incapable.—*Mr. Speaker,* by leave of the House, left the chair and went home to his own house, very ill. ["The Serjeant attended him with the mace out of the House to his coach, and afterwards brought the mace back and placed it below under the table" Commons' Journals.] *Sir A. A. Cooper.* I move that, till mace come in, none can speak.—Others moved that last parliament and this parliament the House did choose their Speaker before the mace was on the table.—Others again said 'You are a House without a Speaker.'—*Sir Arthur Haslerig* moved again for Mr. Knightley.—Colonel Fitzjames put the question for Sir Lisleboné Long, but was denied.—*Sir Lislebone Long.* I know no incapacity on me to serve you as a member, but many incapacities to serve you in that chair. I am beholden to Sir Arthur Haslerig that told me of my incapacity. The person propounded has much more experience than I, and, if he decline it, there are many fitter than I.—*Sir Anthony Irby* moved for Sir Lislebone Long.—*Sir A. A. Cooper.* As Sir Lislebone Long was first propounded, he must be first put. Therefore I would have the question put for his supplying the chair for a week.—*Mr. Bulkeley.* Seeing you are agreed of the person, put the time indefinite, viz., till the Speaker shall be in a condition to serve you there again.—*Mr. Scot* moved against it.—*Sir Arthur Haselrig.* I was against Sir Lislebone Long's coming to the chair, but we must look to him as well as we can. No member can put any question other than for taking the chair, and the person pitched upon ought to obey the sense of the House, and of himself, without the ceremony of leading, to go to the chair.—*Sir Walter Erle.* The ceremony of leading is not parliamentary.—*Sir Lislebone Long,* in obedience thereunto, was coming along to the chair, but Mr. St. John and Mr. Gerrard came up and led him and he took the chair at one.—*Sir A. Haslerig* moved to enter this order, viz., "ordered that, in respect of Mr. Speaker's indisposition of body, and at his earnest request, Sir Lislebone Long be desired to take the chair in his absence, occasioned by his said indisposition of health, until he shall recover his health, and no longer." (Diary

17. *March 9. On a motion, made during the debate about the Scotch and Irish Members, to declare any attempt either on the person of the Protector, or on the House, to be high treason.**

I like the thing very well, but it comes not in seasonably. Be the thing never so good, it ought not to break in upon this debate. Divert not upon this question.

iv. 90 2, and compare Journals, March 9.) After the question of the chair was settled, the debate began about the right of the sixty Scotch and Irish members. The members for England and Wales had been chosen according to the old law of the land, and not according to the representative scheme of the Instrument of Government. The reason of this without a doubt was that the old representative system gave more scope for government influence. But the old law having no provision for the election of members for Scotland and Ireland to an united parliament, these had been elected according to the provisions of the Instrument of Government; and in Scotland and Ireland the government could do pretty much as they liked in the elections. It had been provided that the Scotch and Irish members should not sit, till after the consent of the House was obtained. This question thus raised now interrupted for some time the debates on the constitution. It was urged by Cooper among others that the Scotch and Irish members should withdraw till the question about them was settled, and not take part in a vote concerning themselves. The case of Mr. Danvers cited by Cooper was that of a Mr. Danvers or Villiers, a member of the parliament and opponent of the government, whom the government party had accused of being a royalist delinquent, in order to exclude him from the House, and he had been excluded. (Diary iii. 241-252, Ludlow's Memoirs ii. 625.) It is to be presumed that Cooper's argument is that Mr. Danvers left the House and did not vote in his case.

* Diary iv. 110. Mr. Bulkeley, an indefatigable supporter of the government, had suggested a declaration that it should be high treason to attempt anything on the person of the Chief Magistrate. Mr. Knightley, of the Republican party, then proposed a similar declaration against any attempt on the House. Sir Henry Vane argued in the same way as Cooper against the motion as unseasonable. It was dropped, and the debate on the Scotch and Irish members continued.

18. *March* 16. *On a motion respecting Cromwell's imprisonment of Major General Overton in Jersey in* 1655, *and against a proposed addition to the motion relative to other persons imprisoned.**

I cannot agree with the addition. I would not only have the warrant voted illegal, but the causes expressed,

* Diary iv. 158. Overton had been sent for and brought from Jersey and appeared this day at the bar of the House. He had been kept a prisoner in Jersey under a warrant signed by Oliver Cromwell, which also directed the Governor of Jersey to keep in prison three others, Major Norwood, Sir Thomas Armstrong, and Mr. Weston. It was resolved without a division "that the commitment and detainer of Robert Overton, esquire, as well because it is by a warrant under the hand of the Chief Magistrate alone, as because it is by a warrant, wherein there is no cause expressed, is illegal and unjust, and that he be discharged of his imprisonment" Armstrong and Weston were then ordered to be sent for from Jersey. Norwood had been already released on security, and on condition that he should not come to England. On March 11 Sir A. A. Cooper took part in a little discussion on a point of order arising in the debate about the Scotch and Irish members. Mr. Gewen had spoken of them as foreigners and of their sixty votes as being the Protector's. Dr. Loftus, an Irish member, then spoke. "I have not tasted of the waters of Meribah to be contentious, but hearing these reflexions on these nations I cannot be silent." Dr. Loftus was taken down, Mr. Weaver saying that he had no right to be heard, probably because he was an Irish member and his right to sit was not determined. "*Sir A. Haselrig* and *Mr. Knightley*" moved that Dr. Loftus might take him down if he saw him run into extravagancy.—*Sir A. A. Cooper.* He ought to have been heard out. Let him go on, at the peril of a person's discretions that he keep himself to the orders of the House.—*Dr. Loftus* went on and said that there were a sort of people in the Lords' House formerly that went *ad nutum Regis*, there are sixty now that vote *ad nutum Protectoris.* [This is clearly a repetition of Mr. Gewen's statement.] This is a high reflexion. I pray that he may give satisfaction." (Diary iv. 131.) The next day, March 12, a motion being made to order £60,000 from the excise to be paid over to the Commissioners of the army, Colonel Fielder, Sir John Northcote, Sir A. A. Cooper, and others strongly objected to the debate on the constitution and the Scotch and Irish members being interfered with. (p. 140.)

that it may appear upon your books, which will not appear by the warrant. I would have it further added, as another cause, that he was sent where a *Habeas corpus* will not reach him.

I am clearly of opinion, and all the long robe at the Committee of Grievances were of that opinion, that a *Habeas corpus* lies not to Jersey. I would have a precedent. The case of Berwick differs much from it. They are a part of England, and send burgesses hither.

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19. *March* 18. *On the question of the right of the Scotch Members to sit and that they withdraw.**

None have spoken to the legality of the Petition and Advice. It was demanded, but had no positive answer.

* Diary iv. 189. It had been settled on the 10th that the questions of the Scotch and the Irish members should be discussed separately, and that the Scotch question should be taken first. The debate was spun out by the oppo sition, and a division did not take place on the first question of the Scotch members till the 21st. To-day, the 18th, the government party tried hard to conclude the debate, but unsuccessfully. Serjeant Wilde made a long speech against time. According to the Diarist, Wilde was a very dull tedious speaker. "*Serjeant Wilde* stood up to speak. Some moved that he had spoken, but leave was asked for him to speak till the House was full. He mumbled on and cited a great many cases, why they [the Scotch members] should withdraw. —*Mr. Grove.* I move much at his wisdom to cite so many precedents for a case that was never heard of before. I doubt the chair did not hear him. Otherwise you would have been careful of your time — *Sir A. A. Cooper.* He said what was very material. I move therefore that he be heard out.—*Mr. Trevor.* He is heard as *amicus curiæ.* I hope he will consider your time accordingly.—Serjeant Wilde went on, and concluded that they ought to withdraw. It seems in the time of the Long Parliament he was always left speaking, and members went to dinner, and found him speaking when they came again." (iv. 184) A little later Cooper supported a Scotch member, Mr. Lockyer, whom one of the government party tried to prevent from speaking, though he

All that have spoken to it, have fallen off upon consequences. It was under force. If a law under force must bind, *actum est de lege.*

As to the Act of Union, it was well told you, it was for another constitution that it was calculated.

They are persons very fit to be united to us, of the same religion, the same continent. They have been faithful and assisting to you. I am as much for the freedom of that nation as any man; but he that wishes his son well, does not give him his land till he come out of his guardian's hands. The case of Wales is famous. Did you admit them to a legislature at first?

There are many complaints here, but not one from Scotland. I argue from thence, that they take no notice of the Union. Make the Union so sure that you may be sure that nation acquiesces in it.

I am as much for the Union as any man, and when they are united, I would have them as fair a legislature as may be. They either come now on account of their own interest, or upon the interest of the Chief Magistrate.

Put the question, if they have a right to sit.

spoke on the side of the government. "*Mr. Trevor* took him down, and said that gentleman had spoken to the merit of the business.—*Sir A. A. Cooper.* I grant one ought not to speak, but, where a gentleman is concerned, he may speak.—*Sir Henry Vane* seconded it." (iv. 186) Mr. Trevor probably argued that Mr. Lockyer could then speak only on the question of the Scotch members withdrawing, and not on the question of their right; Cooper's reply means that, though that might be the right principle, Mr. Lockyer, as a person interested, should be permitted to speak by way of favour.

20. *March* 21. *Reports a visit to the Speaker, with a deputation from the House, to inquire after his health.**

Sir Anthony Ashley Cooper informed the House, that on Saturday last, in the afternoon, which was the first day they could be dispensed with from the service of the House, Lord Fairfax, Dr. Bathurst, Mr. Weaver, and himself, in obedience to the command and order of the House, went to visit Mr. Speaker, Chaloner Chute, at his house in the country; and that they found him very much indisposed in his health, and very infirm and weak; that he was much troubled that he could not attend the service of the House; that it was a very great reviving and comfort to him, to find the House take him into their thoughts and care, and to send some of their members to visit him: for which he desired his most humble thanks might be presented to the House, and that they might be acquainted that he values their service higher than his own life, and that whensoever they shall command him he will wait on them; and did assure them, that as soon as ever his health will permit, and that by advice from his physicians he may do it with safety, he will return to the service of the House: and prayed, that, in the mean time, the House would continue their favour towards him and dispense with his services.

* Diary iv. 203 Sir Lislebone Long, who had been appointed on the 9th March to replace Mr. Chute during illness, was himself taken ill and obliged to absent himself on the 16th, and he died in the course of the day. Mr. Bampfield was called to the chair on the 16th. It was resolved at the same time, on the motion of Mr. Weaver, that a deputation should be sent to Mr. Chute to inquire after his health. Chute died before the dissolution, April 11; and Bampfield was then elected Speaker (iv. 430.)

21. *March* 21.—*On the question of the Scotch members.**

It is a mistake. There is no such thing upon your book. Upon your papers it may be.

In order of nature, legal right must be considered before any prudential. Never was any precedent, that one member should be admitted, unless the legality of his sitting could be asserted; and if never allowed for one, why should we admit it for thirty? It is a lessening of our authority. If you will have your acts thoroughly received abroad, make them upon a legal foot.

I have constantly attended this question, and the legal right came always in. A learned person told you, that you could put no other question but that of the legal right. Let not a mistake in the papers of your predecessors mislead you from that which is the natural question.

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22. *March* 22. *On the question of the Irish members.*†

You ought, in all reason, to go first upon the legality. It will be much clearer and distincter. Then go to the convenient part.

* Diary iv. 212. The division on the right of the Scotch members took place today. On the first question that the question be now put the Ayes were 211 and the Noes 120. "Sir Henry Vane would have yielded, but the Yeas would not have it. Sir Arthur Haselrig, when he came in said, 'we have lost it by one hundred.'" The main question was then agreed to without a division; and it was resolved that the members returned to serve for Scotland shall continue to sit as members during this present parliament." (p. 219.)

† Diary iv. 226. The question of the Irish members was taken

23. *March* 28. *On a motion that this House will transact with the persons now sitting in the other House as a House of Parliament.**

I have observed the fortune of the old Peers, that the saving of their rights is the asserting of the rights of these; which is the most destructive to them that can be. It is clearly a putting others in their place, and is setting up a thing that is quite contrary. The saving of their rights is the clear proscription of their rights.

You are upon the greatest piece of prerogative that ever was. At once you give him a whole negative in this other House. You give him the greatest prerogative that ever prince had. While you have an eye to the other House, you overlook one whole negative, and reserve but half a negative to yourself.

I think that those additions of bounding and approving do well suit with the new constitution, and reach not the old.

immediately after the division on the right of the Scotch members; and the right of the Irish was affirmed on a division on March 23 by 156 votes to 106.

* Diary iv. 284. Today the House resumed the debate on the question of transacting with the other House, which had been so long interrupted by the questions of the Scotch and Irish members. It was proposed to add to the question for transacting "with the persons now sitting in the other House as a House of Parliament" these words, viz. "when they shall be approved and bounded by this House." Cooper's speech is in support of this addition. A division took place on the proposal for "approving;" and it was rejected by 183 votes to 146. Lord Fairfax and Lambert were tellers for the minority, the Marquis of Argyle and Secretary Thurloe for the majority. The proposal for "bounding" was afterwards rejected without a division.

24. *March* 28. *Supporting a motion that the other House be limited in time, and last only for the present parliament.** [Published at the time and often reprinted.]

MR. SPEAKER,

This day's debate is but too clear a proof that we Englishmen are right islanders; variable and mutable,

* I have no doubt that this long elaborate speech, which was published by Sir A. A. Cooper at the time, is the one thus referred to in Burton's Diary on March 28. "Sir Anthony Ashley Cooper made a long speech till the House was fuller of those of his party, and moved to second the motion that they be but for this parliament, and would have them bounded in time." (iv. 286) Such a proposal had been made by Scot, after the rejection of the proposed additions for approval and bounding by the Commons. The Diarist remarks that neither Haselrig nor Vane was in the House in the forenoon, but Haselrig came in at one o'clock, and Vane later. The opponents of the government had endeavoured, just before Cooper made his speech, to obtain an adjournment for an hour, but had not succeeded. This was the last day of the debates on transacting with the other House, and, after a second short speech from Sir A. A. Cooper (No. 25,) the House decided to transact with the other House "during this present parliament," and saving the right of old Peers who had been faithful. The speech here printed has been published in various works; it is to be found in the Somers Tracts and Harleian Miscellany, in Morgan's "Phœnix Britannicus," George Villiers, Duke of Buckingham's Works, 2 vols. 1715, the old Parliamentary History, and Martyn's Life. In the Somers Tracts it is reprinted from a republication in 1680 with the following title, "A time-serving Speech spoken once in a season by a worthy member of Parliament, and now thought fit to be reprinted, to prevent the occasion of having it respoken." (Somers Tracts, vi. 466.) It was suggested by the editors of the old Parliamentary History that this speech was too strong to have been either spoken or published; but there is a multitude of equally strong speeches in Burton's Diary, and after the fall of Richard Cromwell, a month later, there would have been no obstacle to publication. It may be presumed that the diction has been improved in the printed speech. The strength of the language about Oliver Cromwell is remarkable. It has been seen that we have no certain knowledge of the causes of Cooper's separation from Oliver Cromwell, after having been a supporter of his

like the air we live in: for, Sir, if that were not our temper, we should not be now disputing whether, after all those hazards we have run, that blood we have spilt, that treasure we have exhausted, we should not now sit down just where we did begin, and of our own accords submit ourselves to that slavery which we have not only ventured our estates and lives, but I wish I could not say, our souls and consciences, to throw off. What others, Sir, think of this levity, I cannot tell. I mean those who steer their consciences by occasions, and cannot lose the honour they never had: but truly, Sir, for my own part, I dare freely declare it to be my opinion, that we are this day making good all the reproaches of our enemies, owning ourselves oppressors, murderers, regicides, subverters of that which we do not only acknowledge to have been a lawful government, but, by recalling it, confess it now to be the best: which, Sir, if it be true, and that we now begin to see aright, I heartily wish our eyes had been sooner open; and, for three nations' sake, that we had purchased our conviction at a cheaper rate. We might, Sir, in '42 have been what we thus contend to be in '59; and our consciences would have had much less to answer for to God, and our reputations to the world.

policy in the Barebone's Parliament, and a member of his Council twelve months after he became Protector. It may be inferred from this language that Cooper had in the outset given an independent support to Cromwell in the hope of obtaining through him a settlement of the nation under good government, and had seceded from him, unable to support his measures. This language could not have been publicly used by one who had been a tool or flatterer of Cromwell or under personal obligations to him, without shame and reproach; and there is no sign in the reports in the Diary of Cooper's being taunted by any of the government speakers with inconsistency or ingratitude.

But, Mr. Speaker, I wish with all my soul I did state the case to you amiss; and that it were the question, whether we would voluntarily relapse into the disease we were formerly possessed of, and of our own accords take up our old yoke, that we with wearing and custom had made habitual and easy, and which, it may be, was more our wantonness than our pressure that made us throw it off. But this, Sir, is not now the question: that which we deliberate is not whether we will say, we do not care to be free, we like our old masters, and will be content to have our ears bored at the door-post of their house, and to serve them for ever; but, Sir, as if we were contending for shame as well as servitude, we are carrying our ears to be bored at the doors of another House; an house, Sir, without a name, and therefore it is but congruous it should consist of members without family; an house that inverts the order of slavery, and subjects us to our servants; and yet, in contradiction to Scripture, we do not only not think that subjection intolerable, but we are now pleading for it. In a word, Sir, it is a house of so incongruous and odious a composition and mixture, that certainly the grand architect would never have so framed it, had it not been his design, as well to show the world the contempt he had of us, as to demonstrate the power he had over us.

Sir, that it may appear I intend not to be so prudent, as far as my part is concerned, as to make a voluntary resignation of my liberty and honour to this excellent part of his Highness's last will and testament, I shall crave leave to declare in a few particulars my opinion of this other House; wherein I cannot but promise my-

self to be favourably heard by some, and patiently heard by all: for those Englishmen who are against that House will certainly with content hear the reasons why others are so too; those courtiers who are for it give me evidence enough to think that in nature there is nothing which they cannot willingly endure.

First, Sir, as to the author and framer of the House of Peers; let me put you mind it was he who with reiterated oaths had often sworn to be true and faithful to the government without it; and not only sworn so himself, but had been the chief instrument both to draw and compel others to swear so too. So, Sir, the foundation of that noble structure was laid in perjury, and was begun with the violation and contempt as well of the laws of God as of the nation. He who called monarchy anti-christian in another, and indeed made it so himself; he who voted a House of Lords dangerous and unnecessary, and too truly made it so in his partisans; he who with fraud and force deprived you of your liberty when living, and entailed slavery on you at his death: it is he, Sir, who has left you these worthy overseers of that his last will and testament; who, however they have behaved themselves in other trusts, we may be confident will faithfully endeavour to discharge themselves in this. In a word, had that other House no other fault but its constitution and author, I should think that original sin enough for its condemnation: for I am of their opinion who think that, for the good of example, all acts and monuments of tyrants are to be expunged and erased; that, if possible, their memory may be no longer-lived than their carcases; and the truth is, their good laws are but snares for our liberty. But to impute

to that other House no faults but its own, you may please in the first place to consider of the power which his Highness hath left it, according to that "Humble Petition and Advice," which he was pleased to give order the parliament should present to him. For as the Romans had Kings, his Highness had "parliaments amongst his instruments of slavery;" and I hope it will be no offence for me to pray that his son may not have so too. But, Sir, they have a negative voice, and all other circumstances of that arbitrary power which made the former House intolerable; only the dignity and quality of the persons are wanting, that our slavery may be accompanied with ignominy and affront. And now, Mr. Speaker, have we not gloriously vindicated the nation's liberty, have we not worthily employed our blood and treasure to abolish that power which was set over us by law, to have the same imposed upon us without law? And after all that sound and noise we have made in the world, of the people's legislative power, and of the supremacy and omnipotency of their representatives, we now see there is no more power left them but what is put into the balance, and equalled by the power of a few retainers of tyranny, who are so far from being the people's choice, that the most part of them are only known to the nation by the mischiefs they have committed in it.

In the next place, Sir, you may please to consider that the persons invested with that power are all of them nominated by the Lord Protector (for to say by him and his Council, has in effect no more distinction than if one should say by Oliver and Cromwell.) By that means, the Protector himself, by his own and by his peers' negative, may become in effect two of the three estates; and,

by consequence, is possessed of two parts of the legislative power. I think this can be a doubt to no one who will but take the pains to read over the catalogue of those noble lords; for certainly no man who reads their names can possibly fancy for what virtues or good qualities such a composition should be made choice of, but only the certainty of their compliance with whatsoever shall be enjoined them by their creator. Pardon, Sir, that name, for it is properly applicable where things are made out of nothing. If, in the former government, increase of nobility was a grievance, because the new nobility, having fresh obligations to the crown, were more easily led into compliance with it; and if one of the main reasons for exclusion of bishops out of the House of Lords was because they were of the King's making, and were, in effect, so many certain votes for whatever he had a mind to carry in the house; how much more assured will that inconvenience now be, when the Protector, who wants nothing of the King but (in every sense) the title, shall not only make and nominate a part, but of himself constitute the whole? In a word, Sir, if our liberty was endangered by the former House, we may give it up for lost in the other House: and it is in all respects as secure and advantageous for the liberty of the nation, which we come hither to redeem, to allow this power to his Highness's officers and chaplains, as to his other creatures and partisans in this other House.

Now, having considered, Sir, their author, power, and constitution, give me leave to make some few observations, though but in general, on the persons themselves who are designed to be our lords and masters; and let

us see what either the extraordinary quality or qualifications are of these egregious legislators, which may justify their choice, and prevail with the people to admit them at least into equal authority with the whole representative body of themselves. But what I shall speak of their quality, or anything else concerning them, I would be thought to speak with distinction, and to intend only of the major part; for I acknowledge, Mr. Speaker, the mixture of the other house to be like the composition of apothecaries, who mix something grateful to the taste to qualify their bitter drugs, which else, perhaps, would be immediately spit out and never swallowed. So, Sir, his Highness, of deplorable memory to this nation, to countenance as well the want of quality as honesty in the rest, has nominated some against whom there lies no other reproach but only that nomination; but not out of any respect to their quality or regard to their virtues, but out of regard to the no-quality, the no-virtues of the rest; which truly, Mr. Speaker, if he had not done, we could easily have given a more express name to this other House than he hath been pleased to do; for we know a house designed for beggars and malefactors is a house of correction, and so termed by our law; but, Mr. Speaker, setting those few persons aside, who, I hope, think the nomination a disgrace, and their ever coming to sit there a much greater, can we without indignation think of the rest? He who is first in their roll, a condemned coward; one that out of fear and baseness did once what he could to betray our liberties, and now does the same for gain.* The second, a person of as little

* Nathaniel Fiennes, second son in the beginning of the Civil War of Viscount Saye and Sele, who had surrendered Bristol to the

sense as honesty; preferred for no other reason but his no-worth, his no-conscience; except cheating his father of all he had was thought a virtue by him, who, by sad experience we find, hath done as much for his mother,—his country.* The third, a Cavalier, a Presbyterian, an Independent; for the Republic, for a Protector, for everything, for nothing, but only that one thing,—money.† It were endless, Sir, to run through them all; to tell you of the lordships of seventeen pounds a year land of inheritance; of the farmer lordships, draymen lordships,‡ cobbler lordships,‖ without one foot of land but what the blood of Englishmen has been the price of. These, Sir, are to be our rulers, these the judges of our lives and fortunes; to these we are to stand bare whilst their pageant lordships deign to give us a conference on their breeches. Mr. Speaker, we have already had too much experience how insupportable servants are when they become our masters. All kinds of slavery are miserable in the account of generous minds; but that which comes accompanied with scorn and contempt stirs up every man's indignation, and is endured by none whom nature does not intend for slaves, as well as fortune.

King's army without making any defence, and had been condemned to death by a Court martial, but pardoned by the Earl of Essex, the general in chief. He was now one of the Commissioners of the Great Seal, and one of Richard Cromwell's chief advisers. His father and a younger brother John were also named by Cromwell members of his House of Lords; the father did not sit.

* I do not know which of Cromwell's Lords is here referred to.

† This is supposed to refer to Lord Broghill, after the Restoration created Earl of Orrery. One would imagine that Cooper exposed himself by these words to a retort on his own changes, though his pecuniary disinterestedness could not be called in question.

‡ This refers to Colonel Pride, who had been a brewer and, it is said, had begun as a drayman.

‖ Colonel Hewson had been a shoemaker.

I say not this, Mr. Speaker, to revile any man with his meanness; for I never thought either the malignity or indulgence of fortune to be, with wise or just men, the grounds either of their good or ill opinion. Mr. Speaker, I blame not in these men the faults of their fortune any otherwise than as they make them their own: I object to you their poverty, because it is accompanied with ambition; I remind you of their quality, because they themselves forget it: it is not the men I am angry with, but their Lordships. Sir, though we easily grant poverty and necessity to be no faults, yet we must allow them to be great impediments in the way of honour, and such as nothing but extraordinary merit and virtue can remove. The Scripture reckons it amongst Jeroboam's great faults, "that he made priests of the meanest of the people:" and sure it was none of the virtues of our Jeroboam, who hath set up his calves too, and would have our tribes come up and worship them, that he observed the same method in making lords.

One of the few requests the Portuguese made to Philip the Second, King of Spain, when he got that kingdom, as his late Highness did this, by an army, was, that he would not make nobility contemptible by advancing such to that degree whose quality or virtue could be noways thought to deserve it. Nor have we formerly been less apprehensive of such inconveniences ourselves. It was, in Richard the First's time, one of the Bishop of Ely's accusations, that castles and forts of great trust he did—'obscuris et ignotis hominibus tradere'—put in the hands of obscure and unknown men. But we, Mr. Speaker, to such a kind of men are delivering up the power of our laws, and, in that, the power of all.

In the 17th of Edward the Fourth, there passed an act of parliament for degrading John Nevil, Marquis Montague and Duke of Bedford: the reason expressed in the act, because he had not a revenue sufficient for the maintaining of that dignity; to which was added, when men of mean birth are called to high estate, and no livelihood to support it, it induceth briberies and extortions, and all kinds of injustice that are followed by gain. And in the parliament of 2nd of Charles the peers, in a petition against Scottish and Irish titles, told the King, that it was a novelty without precedent that men should possess honours where they posseseed nothing else, and that they should have a vote in parliament where they have not a foot of land. But if it had been added, or have no land but what is the purchase of their villainies, against how many of our new peers would this have been an important objection? To conclude: it has been a very just and reasonable care among all nations, not to render that despised and contemptible to the people which is designed for their reverence, and awe; and, Sir, an empty title, without quality or virtue, never procured any man this, any more than the image in the fable made the ass adored that carried it.

After their quality, give me leave to speak a word or two of their qualifications; which certainly ought, in reason, to carry some proportion with the employment they design themselves. The House of Lords are the King's great hereditary Council; they are the highest Court of judicature; they have their part in judging and determining of the reasons for making new laws and abrogating old: from amongst them we take our great officers of state; they are commonly our generals at

land, and our admirals at sea. In conclusion, they are both of the essence and constitution of our old government; and have, besides, the greatest and noblest share in the administration. Now, certainly, Sir, to judge according to the dictates of reason, one would imagine some small faculties and endowments, to be necessary for discharging such a calling; and those such as are not usually acquired in shops and warehouses, nor found by following the plough: and what other academies most of their lordships have been bred in but their shops, what other arts they have been versed in but those which more required good arms and good shoulders than good heads, I think we are yet to be informed. Sir, we commit not the education of our children to ignorant and illiterate masters; nay, we trust not our horses to unskilful grooms. I beseech you, let us think it belongs to us to have some care into whose hands we commit the management of the commonwealth; and if we cannot have persons of birth and fortune to be our rulers, to whose quality we would willingly submit, I beseech you, Sir, for our credit and safety's sake, let us seek men at least of parts and education, to whose abilities we may have some reason to give way. If a patient dies under a physician's hand, the law esteems that not a felony, but a misfortune, in the physician: but it has been held by some, if one who is no physician undertakes the management of a cure, and the party miscarries, the law makes the empiric a felon; and sure, in all men's opinion, the patient a fool. To conclude, Sir, for great men to govern is ordinary; for able men it is natural: knaves many times come to it by force and necessity, and fools sometimes by chance; but universal

choice and election of fools and knaves for government was never yet made by any who were not themselves like those they chose.

But methinks, Mr. Speaker, I see ready to rise after me some gentlemen that shall tell you the good services their new lordships have done the commonwealth; that shall extol their valour, their godliness, their fidelity to the cause. The Scripture, too, no doubt, as it is to all purposes, shall be brought in to argue for them; and we shall hear of "the wisdom of the poor man that saved the city;" of the not many wise, not many mighty; attributes that I can no way deny to be due to their lordships. Mr. Speaker, I shall be as forward as any man to declare their services, and acknowledge them; though I might tell you that the same honour is not purchased by the blood of an enemy and of a citizen; that for victories in civil wars, till our armies marched through the city, I have not read that the conquerors have been so void of shame as to triumph. Cæsar, not much more indulgent to his country than our late Protector, did not so much as write public letters of his victory at Pharsalia; much less had he days of thanksgiving to his gods, and anniversary feasts, for having been a prosperous rebel.

But, Sir, I leave this argument; and, to be as good as my word, come to put you in mind of some of their services, and the obligations you owe them for the same. To speak nothing of one of my Lords Commissioners' valour at Bristol, nor of another noble lord's brave adventure at the Bear-garden,* I must tell you, Sir, that

* The person here referred to is Colonel Pride, who is accused of having cruelly killed a number of bears, in suppressing bear-baiting,

most of them have had the courage to do things which, I may boldly say, few other Christians durst so have adventured their souls to have attempted: they have not only subdued their enemies, but their masters that raised and maintained them; they have not only conquered Scotland and Ireland, but rebellious England too, and there suppressed a malignant party of magistrates and laws; and, that nothing should be wanting to make them indeed complete conquerors, without the help of philosophy they have even conquered themselves. All shame they have subdued as perfectly as all justice; the oaths they have taken, they have as easily digested as their old General could himself; public covenants and engagements they have trampled under foot. In conclusion, so entire a victory they have over themselves, that their consciences are as much their servants, Mr. Speaker, as we are. But give me leave to conclude with that which is more admirable than all this, and shows the confidence they have of themselves and us: after having many times trampled on the authority of the House of Commons, and no less than five times dissolved them, they hope, for those good services to the House of Commons, to be made a House of Lords.

I have been over long, Sir, for which I crave your pardon; therefore, in a word, I beseech you let us think it our duty to have a care of two things: first, that villainies be not encouraged with the rewards of virtue;

as Sheriff of Surrey. See a lampoon printed in the Harleian Miscellany vol. iii. p. 136: "The Last Speech and Dying Words of Thomas (Lord, *alias* Colonel) Pride, being touched in conscience for his inhuman murder of the Bears in the Bear-garden when he was High Sheriff of Surrey, taken in shorthand by T. S. late clerk in his Lordship's Brewhouse."

secondly, that the authority and majesty of the government of this nation be not defiled, and exposed to contempt, by committing so considerable a part of it to persons of as mean quality as parts. The Thebans did not admit merchants into government till they had left their traffic ten years: sure it would have been long before cobblers and draymen would have been allowed. Sir, if the wisdom of this house shall think we have been hitherto like the prodigal; and that now, when our necessities persuade us, *i. e.* that we are almost brought to herd it with swine, it is time to think of a return; let us without more ado, without this motley mixture, even take our rulers as at the first, so that we can but be reasonably secured to avoid our counsellors as at the beginning.

Give me leave, Sir, to release your patience with a short story. Livy tells us there was a state in Italy, an aristocracy, where the nobility stretched the prerogative too high, and presumed too much on the people's liberty and patience; whereupon the discontents were so general and so great, that they apparently tended to a dissolution of government, and the turning of all things into anarchy and confusion. At the same time, besides these distempers at home, there was a potent enemy ready to fall on them from abroad, that had been an over-match for them when united; but now, in these disorders, was like to find them a very ready and easy prey. A wise man, Sir, in the city, who did not all approve of the insolence of the nobility, and as little liked popular tumults, thought of this stratagem, to cozen his country into safety. Upon a pretence of counsel, he procured the nobility to meet all together; which when they had

done, he found means to lock the doors upon them, went away himself, and took the keys; then immediately summoned the people; told them, by a contrivance of his he had taken all the nobility in a trap; that now was the time to be revenged on them for their insolences; that, therefore, they should immediately go along with him and despatch them. Sir, the officers of our army, after a fast, could not be more ready for the villainy than these people were; and accordingly they made as much haste to the slaughter as their Lord Protector could desire. But, Sir, this wise man I told you of was their Lord Protector indeed. As soon as he had brought the people where the parliament was sitting, and when they expected but the word to fall to the butchery; "Gentlemen," says he, "though I would not care how soon this work of reformation were over, yet, in this ship of the commonwealth, we must not throw the steersmen overboard till we have provided others for the helm. Let us consider, before we take these men away, in what other hands we may securely trust our liberty and the management of the commonwealth." And so he advised them, before the putting down of the former, to bethink themselves of constituting another House. He began and nominated one, a man highly cried up in the popular faction, a confiding man, one of much zeal, little sense, and no quality; you may suppose him, Sir, a zealous cobbler. The people, in conclusion, murmured at this, and were loth their fellow mutineer, for no other virtue but mutinying, should come to be advanced to be their master; and by their looks and murmurs sufficiently expressed the discontent they took at such a motion. Then he nominated another, as mean a mechanic as the

former; you may imagine him, Sir, a bustling rude drayman, or the like: he was no sooner named but some burst out a laughing, others grew angry and railed at him, and all detested and scorned him. Upon this a third was named for a lordship, one of the same batch, and every way qualified to sit with the other two. The people then fell into a confused laugh and noise, and inquired, if such were lords; who, by all the gods! would be content to be commoners? Sir, let me be bold, by the good leave of the other House and yours, to ask the same question. But to conclude this story, and with it the other House, when this wise man I told you of perceived they were now sensible of the inconvenience and mischief they were running into, and saw that the pulling down their rulers would prove in the end but the setting up their servants, he thought them then prepared to hear reason; and told them, "You see," says he, "as bad as this government is, we cannot, for anything I see, agree upon a better: what then if, after this fright we have put our nobility in, and the demonstration we have given them of our power, we try them once more whether they will mend, and for the future behave themselves with more moderation?" The people were so wise as to comply with that proposition, and to think it easier to mend their rulers than to make new. And I wish, Mr. Speaker, we may be so wise as to think so too.

25. *March* 28. *Supporting a further addition to the vote for transacting with the other House during this Parliament, viz.,* "*and no longer unless confirmed by Act of Parliament.*"*

I find many additions to help this question forward, but none to explain it. I see no danger in the addition, "and no longer." It shakes not yourselves, unless you distrust your senses. I could as ill venture as any man, without an indemnity.† Without this addition, what you have done is but like that reservation for the Lords.

* Diary iv. 291. The House had agreed to the addition of the words, "during this present parliament." It was then moved to add further, "and no longer unless confirmed by Act of Parliament." This proposal was not pressed to a division; and today the debate on transacting with the other House came to a conclusion, and the following resolution was affirmed by 198 votes to 125: "That this House will transact with the persons now sitting in the other House as a House of Parliament during this present Parliament, and that it is not hereby intended to exclude such peers as have been faithful to the Parliament from their privilege of being duly summoned to serve as members of that House."

† It has been seen that, when the King and Hyde were endeavouring after the fall of Richard Cromwell, to engage Cooper on their side, he spoke of his being probably regarded as a delinquent by Charles, and of his estate being in danger if the King were restored. See p. 124, note. There is no doubt whatever that from the time when Cooper left the King's party in the beginning of 1644 to the eve of the Restoration he had no correspondence of any sort with the King, or any of his agents; and that, when he acted at the last in the Restoration, he acted with the Presbyterian party, and had no separate private correspondence with the King or the King's friends, as had Monk, Montagu, and Howard. The misrepresentations of eulogists have contributed largely to confuse the history of Shaftesbury's early life. Thus it is stated in the three trumpery biographies published immediately after Shaftesbury's death, "Rawleigh Redivivus," the "Complete Statesman," and the short biography printed in the Harleian Miscellany, that he kept "a constant correspondence with the royal party, and that almost to the hazard of his life and family," and that "his correspondence with the King's friends is not unknown to those that were the principal managers of his Majesty's affairs at that time." It may be

26. *March* 29. *On a bill proposed by Mr. Bulkeley for settling the revenue.**

There is nought can destroy us like that which we like. I am apt to suspect this bill. It is an admitting all those laws to be good, for settling tonnage and poundage. The bill ought not to have been brought in, but by your order. I would have a bill brought in that may settle and establish the tonnage and poundage for so many years, lest this be a precedent, to admit so many laws together. Therefore reject this bill, and bring in another bill.

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27. *April* 1. *Proposing an amendment on the Revenue Bill.*

Will you settle this revenue, and not in the body of your government, to see what your money shall go to support? It is not yet said what hand you shall have in any thing. Once declare money, they may go on without you.

The money is paid already. I would have you put no discountenance upon it. Make a previous vote, that after this present Parliament none shall presume to levy this duty. That will keep it afoot this Parliament; and, in the mean time, you may settle it. Nobody can

stated most positively that there was no such correspondence. These misstatements, intended for Shaftesbury's exaltation, have necessarily largely contributed to the common belief of his treachery.

* Diary iv. 296. The question of the other House having been disposed of, and it having been settled to transact with them, it was immediately proposed to discuss a bill for settling taxes for the life of Richard Cromwell, Protector, and for a certain time after his death.

complain why they want money, if we be dissolved. If you have not time to grant it, and be willing to it, you are excused.

I shall offer this previous vote: and he read it and put it to the table. He said it was not his own, but Mr. Neville's,

"Resolved and declared, that no law for excise shall be of force, nor excise levied, after the end or other determination of this Parliament." *

28. *April 2. In a debate on a proposed Declaration for a day of public humiliation, and supporting a proposal to insert words expressing sorrow for the past succession of contradictory oaths.*†

* Diary iv. 324. A similar resolution was passed without a division. "Resolved, and be it declared by this House that from and after the end or other determination of this present Parliament no excise, customs, or other imposts be demanded, levied, received, or paid by any of the people of this Commonwealth by virtue of any act, ordinance, order or declaration whatsoever now in being, or which hereafter shall be, other than what shall be agreed upon and consented to by this House." This resolution quite thwarted the object of the mover of the Bill. The House had been disorderly during a rambling speech made by a Mr. Broughton, and Cooper is reported as supporting the Speaker against an observation of Sir H. Vane. "Mr. Speaker, observing a great noise, stood up to preserve the gravity of the House and to desire that every man might keep to the point.—*Sir Henry Vane.* I ask if it be in the power of your Chair to take any man down, because he speaks not to your sense or has not such abilities as reside there.—*Mr. Attorney General.* The Chair deserved no check. He moved against the disorder to the end he might be heard.—*Sir A. A. Cooper.* The Chair may take off impertinent speeches.—*Mr. Trevor.* I move that the gentleman go on. He was hunting, and I hoped he would find something in the conclusion.—*Mr. Solicitor General.* I move to hear him out. He is of abilities, and will very much show them, if he can draw his conclusion from what he has spoken." (p. 325.)

† Diary iv. 333. A Committee had been named on March 30 to prepare a Declaration setting forth

This is a matter of that consequence that it ought not to be passed by without your notification.

the reasons for appointing a day of fasting and public humiliation through the three nations. Sir A. A. Cooper had then taken part in the debate, and had suggested a Declaration rather than a Bill. "Let it pass rather by a Bill than by a Declaration." (p. 300) He had been named a member of the Committee. The House today discussed a Declaration reported by the Committee, and after the discussion of other amendments Mr. Charlton said, "I would have a clause added, to mourn for the contradictory oaths. A sad thing, if all oaths should be written in a paper that a man has taken upon every imposition.—*Mr. Salwey* seconded the motion.—*Mr. Howley.* Those oaths were but personal and temporary. Let us have no retrospect, but look forward, to prevent it for the future." Then Cooper spoke, contending that the suggestion was too important to be passed over, and here the report of the discussion ends. The debate was adjourned. The declaration was adopted, after some further discussion, on the 5th of April; and it was settled after further discussion about the "other House," that its title should be "A Declaration of the Lord Protector and both Houses of Parliament." It then became the subject of the first "transaction" with the "other House;" but not till after much discussion as to the mode in which the "other House" should be communicated with, and the appointment of a Committee to consider the forms. The House resolved, on the recommendation of the Committee. 1. "That such messages as shall be sent from this House to the other House shall be carried by members of this House," and 2. "That such messages as shall be sent from the other House to this House shall not be received, unless brought by members of their own number." The second resolution was carried against the government by 127 votes to 114. The Diarist remarks, "This was *frustra expectationem*. Query, the consequence? It was the first question that ever the Republicans got." (iv. 378, April 8.) The message was at last sent up on the 14th of April, entrusted to one member, Mr. Grove, the original mover for a day of fasting. The Diarist accompanied him to the "other House," and thus reports what passed this day on that subject. "I came late, and found the House in debate about Mr. Grove's going to the other House with the Declaration for the fast. Mr. Grove desired instructions, whether we might stay for an answer.—*Mr. Bodurda.* It is not rational that he should come away without an answer. I only know two cases, where a messenger does not stay for an answer: 1. when a herald goes to proclaim war, 2. when an apparitor comes to serve a citation: he claps it upon the door and runs away for fear of a beating.—*Mr. Salway.* I perceive they are not sitting in the other

House; most of them are at Wallingford house.—It seems so they were, and not above four in the House, but they were gathering up their numbers, while we were debating.—The question was put, that Mr. Grove, when he hath delivered his message to the persons sitting in the other House, shall return to this House without staying for any answer. The question was misput; it ought not to have been put with a negative in it.—*Mr. Speaker* declared for the Noes, Mr. ——— for the Yeas, and that the Yeas go out.—Sir Arthur Haslerig and others moved that the Noes go out, because it was not new, but the Yeas went out.—Yeas, 100, Lord Falkland and Sir Arthur Haslerig, tellers; Noes 144, Mr. Annesley and Sir Coplestone Bampfield, tellers. So it passed in the negative.—*Sir Arthur Haslerig* said he had the worst luck in telling of any man, and so it proved.—*Mr. Grove*, attended by above fifty members, *quorum* myself, carried the Declaration to the other House accordingly. After a little stay at the door, for the Lords were reading a bill, Mr. Grove was called in. He and all the members stood bare, by the walls, while the Lord-keeper Fiennes and most of the Lords came down to the bar. We made one leg, and then went up to the high step; and before Mr. Grove ascended, we made another leg. He delivered his message, *his verbis*, without giving them any title, for so was the sense of the House. 'The Knights, Citizens, and Burgesses, assembled in the House of Commons, have commanded me to present this Declaration for a public fast to you, wherein they desire the concurrence of this House.' The Lords were bare all the time, and we withdrew, with two legs. After a little stay we were again called in, and ascended the step with the same ceremony; all the Lords bare, sitting in their places, except Lord Fiennes who was covered, but who stood up bare and returned their answer. 'The Lords,' and then made a pause, as if it had been mistaken—'this House will return an answer to you by messengers of their own.' Whereupon we withdrew with the same ceremony. It seems, after we were all gone out, one of the Lords called to Mr. Grove and told him they desired our excuse for making us stay so long, for they had read half the Declaration before they knew that we stayed. Else they would have despatched us sooner.—*Mr. Grove* reported this in effect to the House at our return; only he left out that passage, that they said "The Lords," while we were delivering the message." (iv. 426-8.) There was a little discussion the next day as to the entry to be made in the Journals of Mr. Grove's report. "*Mr. Speaker*. I desire to know what part of the report which Mr. Grove made yesterday, you would have entered in your Journal. The whole narrative was read.—*Lord Falkland*. If you enter all, you will be laughed at for your reward. —*Mr. Grove*. If you enter all, enter also that there was such a crowd that I could not go in, and had like to have gone without my cloak.—*Colonel White*. Enter all,

save that part of the colloquy between Mr. Grove and the single member, that being no act of the other House.—*Mr. Speaker* (and it was the sense of the House.) Leave it to the Committee appointed to peruse the Journal, to insert what they think fit." (p. 434, April 15, and see the entry in the Journals, April 14, which is very short.) While the House of Commons was engaged in these solemn discussions of forms, grave questions of substance were rapidly ripening, comparatively unheeded, into danger. The gathering of the military Lords, noted by the Diarist, at Wallingford house was for an object, hostile to Richard Cromwell's commandership of the army, which, one week after Mr. Grove's visit to the Lords, wrought the dissolution of the Parliament and destruction of the Protectorate. The parliamentary triumphs of the government over its Republican and Presbyterian opponents availed it nothing: and the fatal blow came to Richard Cromwell from the military magnates, so numerously represented in the House of Lords, for which his government had borne so much labour and odium in the House of Commons. A large party of officers, headed by Fleetwood and Desborough, had early shown jealousy of Richard Cromwell as Commander-in-chief. The parliamentary opposition, though always vanquished by numbers, had necessarily weakened the government; and as the government became weaker, Fleetwood's party became bolder. A general Council of officers had regularly sat at Wallingford house by Richard Cromwell's permission; and they now passed resolutions in offensive language recommending the transfer of the chief command of the army to some fit person in whom they could confide. Fleetwood was the person designed. There was now an understanding between the Wallingford house officers and the Republican party, who merged for the time their differences and mutual distrust in sympathy of opposition to Richard Cromwell. The Protector appealed to the Parliament. After a warm discussion on the 18th of April, it was resolved, "1. That, during the sitting of the Parliament, there shall be no General Council or meeting of the officers of the army, without the direction, leave, and authority of his Highness, the Lord Protector, and both Houses of Parliament. 2. That no person shall have or continue any command or trust in any of the armies or navies of England, Scotland, or Ireland, or any the dominions or territories thereto belonging, who shall refuse to subscribe, that he will not disturb nor interrupt the free meetings in Parliament of any of the members of either House of Parliament, or their freedom in their debates and counsels." These votes were sent up to the other House for their concurrence. The "Lords" promised to send an answer by messengers of their own, and determined by one vote to debate the resolutions offered for their concurrence. Richard Cromwell did not wait for the decision of the House of Lords, but, acting on the advice of his Council,

ordered the dissolution of the military Council at Wallingford house. This, however, was an act of boldness, which he had neither strength of character nor power in the army to maintain. Fleetwood and Desborough appealed to force, counted their regiments against Richard's, demanded the dissolution of the parliament; and Richard had no alternative but to comply. On Friday the 22nd April, the House of Commons met in alarm, and after an uneasy sitting adjourned to the following Monday. On the evening of Friday a dissolution was proclaimed; and the doors of the House were locked, and guards placed round the approaches to prevent the members from again meeting. This was the end of Richard Cromwell's Protectorate. See note at p. 119. (Ludlow's Memoirs, ii. 631—642. Sir R. Baker's Chronicle, p. 641, ed. 1684. Comm. Journ. April 18—22. Burton's Diary iv. p. 418 and seqq. Guizot, Protectorat de Richard Cromwell, &c., i. 112—129.)

THE END.

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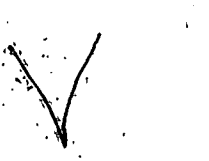

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